

BEAVERCREEK PLANNING COMMISSION
REGULAR MEETING, July 6, 2016, 7:00 p.m.

- I. CALL TO ORDER
- II. ROLL CALL
- III. APPROVAL OF AGENDA
- IV. APPROVAL OF MINUTES
 - A. June 1, 2016
- V. DECISION ITEMS
 - A. PUD 16-1, The Cottages of Beaver Creek Rezoning (Tabled at the May 4, 2016 and June 1, 2016 Planning Commission meetings.)
 - B. PC 16-1, Zoning Code Updates (Tabled at the May 4, 2016 and June 1, 2016 Planning Commission meetings.)
- VI. PUBLIC HEARINGS
 - A. PUD 16-2, Creekstone Rezoning
 - B. PC 16-3, Good News Baptist Church, Conditional Use
- VII. SUBDIVISIONS
 - A. S-16-5, Ashland Hills, Section 5
- VIII. ADJOURNMENT

BEAVERCREEK PLANNING COMMISSION
REGULAR MEETING, June 1, 2016

PRESENT: Mr. Archibald, Mr. Curran, Mr. Erbes

ABSENT: Mr. Loftis, Mr. Self

Vice Chairman Archibald called the meeting to order followed by roll call.

Mr. Curran MOVED to excuse Mr. Loftis and Mr. Self from the meeting. Motion was seconded by Mr. Erbes and PASSED by majority voice vote.

Mr. Curran MOVED approval of the agenda. Motion was seconded by Mr. Erbes and PASSED by majority voice vote.

Mr. Curran MOVED approval of the May 4, 2016 minutes. Motion was seconded by Mr. Erbes and PASSED by majority voice vote.

DECISION ITEMS

PUD 16-1, The Cottages of Beaver Creek Rezoning

Mr. Erbes MOVED to untable PUD 16-1. Motion was seconded by Mr. Curran and PASSED by majority voice vote.

Mr. Archibald said at the last meeting there was a lot of input and discussion from the community, and one of the items the Commissioners requested was for the developer to meet with the residents of the area to see if a resolution could be released. He stated he was inclined not to reopen the public hearing because the public input was taken under advisement at the last meeting. Mr. Archibald thought there was some new information as far as written input as a result of those meetings and would ask the Commissioners to question people who were in attendance about the results of the meetings.

Charles Simms referred to Exhibit A, and said that is the revised plan. Mr. Simms reviewed the concerns of the Commissioners and the citizens' concerns from the previous meeting. He explained he has had four meetings with the homeowners, and felt they had gone very well. Mr. Simms referenced Exhibit A, and discussed how the emergency accesses have been adjusted. He stated they are going to maintain the buffer on the north side next to the single-family lots, and are planning to come out 10 feet and have nothing and with the remaining 40 feet they will create a 6-foot berm and put landscaping on it. Mr. Simms said with the comments about the density being too high, they made the buffer to the south a 50-foot buffer so it reduced the total to 90 units. He said some of the items that were brought up last month will be addressed at the specific site plan stage, and one of the items was parking. Mr. Simms explained he went ahead and showed where they can add parking in certain areas and that all the units will have a two-car garage and two parking spaces in their driveways so the parking requirements will be met.

Mr. Simms said there will be a 50-foot buffer on the south side, and determined a four-foot mound can be constructed there because they have to have room for drainage. He stated there will be trees on that buffer also. Mr. Simms explained the homeowners do not want any connecting paths in the park area, and the developers are fine with that but the City will own it and it will be up to the City. He stated the City Engineer spoke at the last meeting regarding the traffic study, and the Engineer did not think this development would have much of an impact on the overall traffic and did not think a traffic study was necessary. Mr. Simms said there were concerns about two-story units being constructed, but he has agreed the units will be one-story. He explained the residents requested that the buffer is constructed with the trees on it before the framing of the first building is done, which he did not a problem with.

Mr. Simms discussed the emergency accesses and explained the citizens requested the existing vegetation be kept there, but Mr. Simms thought that was something that the City would decide. Mr. Archibald questioned if that was a mature tree that sits there. Mr. Simms stated the tree is about 90% dead, but there is some vegetation around it and it does provide some screening. He said some neighbors are concerned that people will drive through the emergency access, but he thought if they were done with the grass and proper signage that could be stopped. Mr. Simms said the Quill Road access to the south is not something he is able to resolve because it is up to the City and thought it would be addressed at the specific site plan stage. He stated all the mature trees will be kept on the property. Mr. Simms referred to a 40-foot buffer around the pond, but they are showing 25 feet because they have to make sure they have ample drainage for the site. He said if it is 25 feet they will do a little bit of mounding there and plant some trees for some screening. He stated the construction traffic will come in on County Line Road only.

Mr. Burkett discussed the updated resolution that will be legally binding. He explained the more detailed design plan will be brought forward at the specific site plan stage. Staff recommended approval of the case with nine conditions.

Mr. Archibald requested the president of the homeowner's association, Brian Daniel, to give his perspective of the meetings, perspective on Mr. Simm's presentation tonight, and if they are at a reasonable point now. Brian Daniel stated there was a lot of good discussions and many of the owners' concerns were raised but it was clear to him that there is still more concerns and not a true consensus was reached. He explained there were a lot of issues, but not everyone is content with the design and supportive of the proposed application. Mr. Daniel said some of the items were not discussed in the meetings as to how Mr. Simms presented them tonight so there is a discrepancy. He explained they requested a six-foot mound along the southern property line and there was a lot more specifics about the landscaping and the trees, and they were very concerned with how that is done because of the separation between the two developments. He understood the landscaping is discussed in a later process, but that is where a lot of their concerns are so it is difficult to say there is a consensus when there is no clear understanding of what that is going to be like. Mr. Daniel explained they had concerns about headlights, foot traffic, and personnel coming from one community to other and none

of those items are addressed in the vagueness that are presented tonight especially with a shortened berm suggested by Mr. Simms.

He explained another major concern is the connection between The Cottages and Straight Arrow Road. He said there is a bus stop at Straight Arrow Road and County Line Road, and it is the only exit and entrance into their community. Mr. Daniel encouraged Mr. Simms to change that intersection into an emergency access only and not a road, which he said is the City's choice. He said the property values are still a concern, and putting more units that close together is not going to help the value of their units.

Mr. Daniel explained part of the appeal of the City is the natural landscape and there are sections of town that have rural settings, and this development pretty much eliminates that in their area. He said no site plan is going to fix that which attracted them to the area. Mr. Daniels said at the last meeting Mr. Erbes was concerned about some houses becoming double frontage lots, and did not believe this new plan addressed those concerns. He also mentioned a statement Mr. Erbes made at the last meeting about stacking two developments together. Mr. Daniel did not feel there was a consensus and felt like there were a number of concerns yet.

Mr. Daniel explained as the president of the homeowner's association he was still concerned about the separation and isolation of the two communities, and said all enforcements cost time, money and resources so it becomes a resource burden on them when there are enforcement problems. He believed there will be a number of enforcement problems between one community and the other because of how close they are to each other. Mr. Curran said the fundamental question is that it is green space now and it will be houses then. Mr. Daniel said yes, and there was a room full of people expressing they don't like that idea and the reason they came to Beavercreek was the greenspace.

Sean Simmons, 4282 Weber Drive, stated they met with Mr. Simms and discussed the road on their end and the noise pollution in their rear yards. He said he was the one who modified the existing site plan, and Exhibit A does reflect some of the changes they want to see if this plan is approved. Mr. Simmons explained there is existing vegetation, and it is a dead tree, but it blocks all of Quill Road. He stated it gives the illusion of privacy, and a huge wall of privacy will be removed if it is torn down. Mr. Archibald explained from personal experience when a dead tree is left up and things start happening to the tree huge insurance issues are incurred. He said leaving a dead tree in a public place is not good judgement in his opinion.

Mr. Simmons referred to the agreement with the one-story dwellings and stated in the resolution it said principal dwelling units and questioned what the difference is between dwelling and principal dwellings. Mr. McHugh explained Condition #9 lists that they are limited to one-story. Mr. Simmons said a principal dwelling means all dwellings. Mr. McHugh said yes. Mr. Simmons said a lot of the residents had questions regarding the binding nature of this document as it pertains to future meetings. He questioned if this was just a concept plan, if it could be revisited at a later phase of approval. Mr. Archibald said

since this is a PUD the principal dwellings will remain as one story and in order to change it an amendment would have to be done and would have to go through the same process again. Mr. McHugh explained this is a recommendation for City Council, so City Council would need to approve it first. He said assuming City Council would accept the recommendation of Planning Commission, then it would become binding on the developer and the City. Mr. McHugh stated to make a major change would require them to go through the process again.

Mr. Archibald explained this is a rezoning case, and they are essentially requesting the land to be changed from agricultural to residential within a PUD. He stated the Land Use Plan supports that and allows them to change the use to medium density residential units. Mr. Archibald said if this is approved, the next step is for the developer to create a site plan. He stated several items Mr. Daniel alluded to will not be known until that stage. Mr. Archibald said once the specific site plan is approved, then the developer can start the project. Mr. Simmons said since the rezoning would specify that all the dwellings have to be one-story then at the specific site plan that cannot be deviated from because it is already approved in the concept plan. Mr. McHugh stated that was correct.

Mr. Curran asked how the emergency accesses will work and if there will be a gate there. Mr. Burkett said a gate design could be created at the specific site plan stage. He explained there will not be pavement, and it will look like a grass field between the curb line and the end of Quill Road. Mr. Curran questioned what the City Engineer said about Quill Road being opened to the south. Mr. Burkett explained there were traffic lights at Straight Arrow Road and Weber Drive, and if Quill Road was cut off the only reasonable exit would be to put another light at County Line Road. Mr. Burkett stated that would create three traffic lights within 100 feet of each other, and they wanted to keep Quill Road open so they could have access to an existing traffic light. He said that access point is an important access point to have. Mr. Archibald said it created cross access between the two developments much like many of the other developments that have been built in Beaver Creek. Mr. Burkett stated yes. Mr. McGrath stated the access point was reflected on the last concept plan and there was plenty of public discussion on that connection. He said it was recommended by the City Engineer and is not something that is new to the public hearing. Mr. McHugh stated this was a concept plan and not a specific site plan.

Mr. Erbes said the Commissioners understood the sensitivity towards this project, and they are looking for what is best for the City of Beaver Creek and the residents so they look at it from all aspects. Mr. Erbes referred to the plans attached to the resolution, and said the lane looked to be shifted to the south and more to the west. Mr. Burkett said yes there was a slight shift. Mr. Erbes felt the two pages conflict with each other, and he was sensitive as these changes are made to have a road behind people's houses. He thought adjustments were being made, and wanted to make sure the documents are consistent, clean, and reflect the same concepts.

Mr. Erbes referred to the setbacks and no-cut zones and said it appeared at the north end of the property they are extending the 50-foot setback now and a 25-foot no-cut zone. Mr.

Burkett said yes. Mr. Erbes asked if that is where the mounding is going to be four-foot. Mr. Burkett said there are no trees, there will be a four-foot mound to the south and a six-foot mound to the north. Mr. Erbes said the reason for the four-foot mound is because of drainage and swells. Mr. Burkett stated that was correct. Mr. Erbes stated he still had a concern with the road to the proximity of the houses to the north, and he appreciated Mr. Simms working with the residents. He stated he had concerns with how the road pushes everything to the south, the density, and the congestion of the area. Mr. Erbes said when he looks at the property to the south along Longmeadow Lane where houses are along both sides he felt more comfortable with it and thought it would be worth considering. He explained since there were only three Commissioners present tonight, he was very concerned that the input of the other Commissioners is important and that their voice should be heard as well on something so critical in the community.

Mr. Archibald referred to the email Mr. Daniel sent out and said the last two items were about the development being age restrictive and no walkways between the two communities, and asked him to elaborate on those two items. Mr. Daniel stated the age restriction is something that can be added to PUDs and is allowed in the Fair Housing Law and the laws of the State of Ohio that govern planned communities. He explained it restricts the owners and occupants of that complex to members that are 55 years old or older. Mr. Daniel said Mr. Simms has mentioned it several times that he is building this development for empty nesters, and given how close the proximately is part of their concern is the interaction of people. He stated if The Cottages are truly being built for empty nesters that means there would be less people in those units, and that changes the dynamic of the neighborhood. Mr. Daniel explained, if that is Mr. Simms' intent, then evoke the age restriction laws so they know for sure it is going to be an empty nester residential neighborhood. He stated if nothing is put in place then Mr. Simms can sell those units to any age group and would change the consensus of this design. Mr. Archibald said just because it is empty nester does not mean it has to be age restrictive, and those are two separate things. He explained that is a choice Mr. Simms has, but the City will not require that.

Mr. Daniel stated the walkway issue is because they will be responsible for the wear and tear on their walking path, and those are the fees and costs they want to avoid by not encouraging the residents of The Cottages to come over and enjoy their walking path and using their resources that they have to pay for and support. Mr. Archibald said as Planning Commissioners they want to make Beavercreek an inclusive community and do not want them to be stove piped developments and he was a little disturbed when he said that they wanted to cut everyone off and not be part of anyone else's community. Mr. Daniel stated he understood Mr. Archibald's concerns about inclusiveness, but the issue is the close proximity. Mr. Archibald said if it is done right it can be very amenable. Mr. Archibald questioned why they want single-story units. Mr. Simmons said when they bought and built their homes, the view was one of the selling points. He stated when they met with Mr. Simms they stressed they wanted some sense of seclusion. Mr. Simmons explained in the winter months a person can see straight through the woods, and they are trying to find

some middle ground so if they are one-story homes maybe that will preserve some privacy.

Mr. Curran MOVED to approve the June 1, 2016 resolution with the nine conditions and Exhibit A should reflect 90 units. Motion DIED due to a lack of a second.

Mr. McHugh stated there is only one other Commissioner able to vote on the case because the other Commissioner has a conflict and has to recuse himself. Mr. Archibald agreed with Mr. Erbes and thought it would be best to have the other Commissioner's comments. Mr. McHugh stated then a motion to table would be in order.

Mr. Erbes MOVED to table PUD 16-1 until Mr. Loftis is available to review the revised resolution. Motion was seconded by Mr. Curran. Motion PASSED by a roll call vote of 3-0. (Loftis, Self absent)

PC 16-1, Zoning Code Updates

Clerk Gillaugh read the notice of public hearing for the purpose of reviewing an update to the Zoning Code.

Mr. Curran MOVED to untable PC 16-1. Motion was seconded by Mr. Erbes and PASSED by majority voice vote.

Mr. McGrath discussed the changes that were made to Chapter 158.126, "Keeping of Chickens in Residential Districts".

Mr. Curran asked if this was for one year. Mr. McGrath stated the sunset provision is for one year.

Mr. Archibald referred to Chapter 158.126 (A)(4), and suggested changing "butchered" to "slaughtered on residentially zoned properties".

Mr. Curran questioned who would be enforcing this. Mr. McGrath said it will be the Code Enforcement Officer in the Planning Department. Mr. Archibald stated he thought it was going to be Greene County Animal Control. Mr. McGrath explained if it gets to a point where it is an animal control issue then they will step in. He stated the Code Enforcement Officer is also a sanitarian, so some of the things about the adverse effects that may come along with them if they are not being cleaned or any nuisances come about because of the way they are being maintained, he does have a background in that to make a definitive determination.

Mr. Erbes said if this was approved by Planning Commission, he asked what the next step would be. Mr. McGrath stated it would move to City Council, and would have three readings at City Council.

Mr. Curran asked if they would be the first City in the region to allow chickens. Mr. McGrath said no, there are cities around here that do not regulate them at all so they are allowed.

Mr. Erbes stated this approval would be for the chickens and the signage. Mr. McGrath said yes, and if it was the consensus of the Planning Commission to remove the chickens then a motion would need to be made to approve the other items. He suggested making a motion ahead of the motion to recommend approval to eliminate what they do not want approved.

Mr. Erbes MOVED to separate Chapter 158.126 "Keeping of Chickens in Residential Districts" from the other changes that staff has provided. Motion FAILED due to a lack of a second.

Mr. Curran MOVED to approve PC 16-1. Motion FAILED due to a lack of a second.

Mr. Erbes MOVED to table PC 16-1 until the July Planning Commission meeting. Motion was seconded by Mr. Curran. Motion PASSED by a roll call vote of 3-0. (Loftis, Self absent)

PUBLIC HEARINGS

PUD 15-3 SSP #2, Beaver creek Retail

Clerk Gillaugh read the notice of public hearing on an application filed by Domenico Stolfo, 3500 Pentagon Blvd., Beaver creek, OH 45431. The application requests specific site plan approval for 1.0532 acres of land to allow for the construction of a 7,440 square foot retail building located on the southwest corner of North Fairfield Road and Dayton-Xenia Road. The property is further described as Book 5, Page 5, Parcel 89 on the Greene County Property Tax Atlas.

Jerad Barnett, Synergy & Mills Development, stated they are proposing to construct a retail building on the corner of Dayton-Xenia Road and North Fairfield Road. He said when the AAA site plan came through they discussed the importance of that intersection. Mr. Barnett believed the plan they have created is a good plan for the corner and thinks that is one of the key intersections in Beaver creek. He explained they tried to create a project with some outdoor components that will enhance the investment the City has made in the pedestrian piece of the corridor. Mr. Barnett discussed a color rendering of the site, and said they are going to try to tie the City's hardscape near the clock tower in with the hardscape they are proposing. He stated they want people to be able to see it as a walkable area, and wanted to see the pedestrian traffic move west of the intersection. Mr. Barnett said with them investing in that corridor and with AAA he believed they will be able to pull the pedestrians west. He explained they have a great relationship with AAA, and said their sites blend together and they have cross-parking and cross-access agreements.

Mr. Burkett summarized the staff report dated May 27, 2016, which stated the applicant is proposing to construct a 7,440 square foot multi-tenant retail building on 1.05 acres. He

discussed the location of the property, the access points, the traffic flow around the site, the parking requirements, the architectural elevations, the lighting plan, the landscaping plan, and the signage requirements. Staff recommended approval of the case with 20 conditions.

In public input, Nathan Falu, 3534 Dayton-Xenia Road, stated he looked forward to having more eatery facilities in the area. He said they plan on staying in the area, and it would be nice.

There being no further public input, the public hearing was closed.

Mr. Erbes referred to the landscaping plan, and asked if there was any landscaping that existed along the southern property line. Mr. Burkett said no, and said there is going to be an eight foot retaining wall because of the grade difference. Mr. Erbes referenced the northeast corner of the site, and requested some signage be installed making sure people don't try to go that way. Mr. Burkett stated the necessary traffic control signage will be placed appropriately on the site. Mr. Erbes asked if anything was changing with the entrance/exit and it being a right-in/right-out only. Mr. Burkett said nothing was changing because it is in the ordinance.

Mr. Curran thought it was a nice design and thought it would be an asset to Beavercreek. He looked forward to some stores moving in at that location.

Mr. Archibald hoped that something aesthetically pleasing would be built on this corner, and thought what is proposed will be. He was concerned with the overhead wires and asked if there was anything that could be done. Mr. Barnett explained they have tried to accommodate them with the site plans. He said they have had some success in the past moving wires, but the poles are very expensive to relocate. Mr. Barnett stated they have met with DP&L on site, and it is something on their radar but didn't want to make promises he could not deliver. He explained when everything is bare they stand out more, and when they are incorporated into a site plan they tend to hide themselves better. Mr. Archibald said this is Beavercreek's premier corner, and he thought the lines would be a major distractor. Mr. Barnett stated they will do everything they can in landscaping and hardscaping, and they are already going to spend dollars they are not going to get back on that corner because they want it to be beautiful. He said they want to make some improvements and help take care of the maintenance so it looks like any of their sites.

Mr. Archibald asked if they had considered tying the paver patio into the sidewalk. Mr. Barnett explained that was their vision but there is such a grade change, it was difficult to do. He said it will bring them back to the sidewalk along the street so there is connectivity without having to go through the parking lot, but because of the grade change it was either what is proposed or steps. He stated because of ADA requirements they wanted to use a ramp versus stairs. Mr. Archibald asked if a person could access the grass from the patio paver area. Mr. Barnett said yes. Mr. Archibald questioned if the grass went up to the sidewalk. Mr. Barnett stated it did, and thought it should all blend together very well.

Mr. Archibald asked how many people the bistro will seat. Mr. Barnett said they put the signs on there, but they do not know who is going in there and it is speculation. He explained they just started marketing the site about a week and a half ago, and there is a lot of interest. Mr. Archibald thought the outdoor patio is going to be a big draw. Mr. Barnett agreed, and thought it was very important. Mr. Archibald questioned if the drive that is shared with AAA will be a pass through road. Mr. Barnett said yes, there will be no curbing there and it is easy to go back and forth. He explained AAA's parking needs are not significant and they are probably a little over parked. Mr. Barnett stated they are not allowed overnight parking, so when their dinner traffic is heavy, there will be more parking spaces available.

Mr. Erbes MOVED to approve PUD 15-3 SSP #2 with 20 conditions:

1. The approved site plan shall be the plans dated "Received May 25, 2016" except as modified herein.
2. The approved architectural elevations shall be the plans dated "Received May 26, 2016" except as modified herein.
3. A PUD Agreement must be signed by the owner and a bond or letter of credit for the site landscaping must be submitted prior to issuance of a zoning permit for any portion of the project for the purpose, but not for the sole purpose, of insuring the installation of landscaping. Said bond or letter of credit must meet the requirements of the City's landscaping and screening regulations.
4. The final landscape plan shall be reviewed and approved by the Planning Department prior to the release of a zoning permit for the building.
5. Perpetual maintenance of landscaping shall be provided and any dead or diseased materials shall be removed and replaced with similar types, species and sizes as originally installed, within three months weather permitting.
6. Any portion of the site disturbed by grading or by the removal of former structures and/or pervious surfaces and on which no construction occurs within three months after completion of the site grading, shall be planted with appropriate ground cover and properly maintained. Such areas shall be shown as part of the final landscape plan.
7. Debris and trash shall be routinely collected by the owner from the parking lot and grounds of all areas of the project including the storm drainage facilities. The City reserves the right to require more frequent collection as necessary.

8. All building mechanical equipment is to be screened from all directions with architectural features (roof forms or parapet walls) on each building. Metal screening will not be accepted. Pad mounted equipment must be screened with landscaping and/or masonry walls and shall not be visible to the public.
9. Gutters and downspouts shall not be visible on any elevation of the building. They shall be internally mounted.
10. Prior to the issuance of a zoning permit, final cut sheet details and photometric plans for lighting of the site shall be reviewed and approved by the Planning Department. Maximum mounting height for any parking fixture shall be 20 feet, and no pole shall be located in the paved area of the parking field. All light fixtures and related illumination of the site must meet the conditions outlined in the Zoning Code. Lights in the parking lot shall be reduced to no greater than 25 percent illumination level within one hour of closing.
11. Final topography and grading plans shall be submitted for review and approval by the City Engineer prior to the issuance of a site-grading or zoning permit.
12. Final drainage calculations shall be approved by the City Engineer prior to the release of the record plan for recording.
13. Exterior construction hours for the site shall be limited to 7:00 AM to 7:00 PM, Monday thru Saturday.
14. All man-doors, service doors and loading dock doors shall be painted to match the color of the building as to blend in with the proposed façade.
15. Any split-face block, EIFS, or concrete masonry unit block will be of integral color and not a material that is painted on the outside only.
16. The ground sign, which shall include a minimum 1-foot tall, brick and/or stone base, shall be a maximum of 6 feet tall and have a maximum 32 square feet per sign face. The final design and location shall be subject to review and approval by the Planning Department prior to release of a permit for the sign. Any ground sign shall be set in a base that shall be constructed of the same material as used to construct the principal structure.
17. Wall signage shall comply with the Zoning Code for B-2 districts. The applicant shall be allowed to have two additional wall signs, one on each of the west and east elevations, the final location and size to be reviewed and approved by the Planning Department prior to the issuance of a sign permit.

18. All wall signs shall be individually mounted channel letters or panels. No raceways shall be permitted. The sizes of the signs shall be limited to the sizes shown on the approved architectural elevations. The final design and location shall be reviewed and approved by the Planning Department prior to the release of the sign permit.

19. All trash collection containers shall be screened from view and enclosed within a permanent dumpster enclosure or stored completely within the building. Any dumpster enclosure shall be constructed of the same materials as the primary building and have a closable, lockable gate. The final design of the dumpster enclosure shall be reviewed and approved by the Planning and Zoning Department prior to the issuance of any zoning permits.

20. Delivery hours for the site shall be limited to 7 am to 7 pm Monday thru Saturday.

Motion was seconded by Mr. Curran. Motion PASSED by a roll call vote of 3-0. (Loftis, Self absent)

PUD 98-9 MOD 5/16, The Lux at Beavercreek, Major Modification

Clerk Gillaugh read the notice of public hearing on an application filed by Anthony Birkla, 881 3rd Avenue SW, Suite 100, Carmel, IN 46032. The applicant requests a major modification for 4.5339 acres of land to allow for the construction of one multi-family residential building consisting of approximately 100 apartments located on the northeast corner of the intersection of Hibiscus Way and Park Overlook Drive. The property is further described as Book 1, Page 10, Parcel 115 and 116 on the Greene County Property Tax Atlas.

Tony Birkla, owner of Anderson Birkla Investment Partners, stated he is the owner of two of the adjacent properties in Beavercreek. He explained this project is about 100 units and is a neighboring property to the other two projects. Mr. Birkla described the other projects they built and where they were located. He said they have tried to create something unique, and felt his product is targeting what they see is really missing in the community. Mr. Birkla stated the development will have a pool, club and an amenity area that will have a lounge and fitness area, attached garages, and a complementary outdoor landscaped area. He explained this property was supposed to be a phase of the Mills Development, but thought they have created a development that is complementing to the round-about and the extension of Park Overlook Drive. Mr. Birkla stated they are excited about the development.

Ms. Pereira summarized the staff report dated May 27, 2016, which stated this request was for a major modification to allow the construction of one multi-family residential building that would include 100 units on approximately 4.5 acres. She explained what the original site plan was approved for, how many residential units were permitted in the PUD, the land usage for the PUD, the building setbacks, the building design and materials, the storm water management, the landscaping plan, the parking requirements, the cross-parking agreement, and the access points. Staff recommended approval of the case with

20 conditions.

In public input, Nathan Falu, 3534 Dayton-Xenia Road, stated he is looking forward to the expansion to The Lofts. He was concerned with what they are going to cost because the current apartments cost a little more than what the average military member makes and many WPAFB employees stay in Beavercreek. He gave an example, and said he had many military friends who stay there and thought more would stay there if the price is more in line with the military pay grades.

Ryan Cappo, 3636 King Edward Way, stated his concern was addressed. He explained his concern was regarding the access to Park Overlook Drive. He thought it looked like a good design.

There being no further public input, the public hearing was closed.

Mr. Erbes said in the two other phases of The Lofts there has been more of a two-story to three-story high brick veneer on the front, and questioned if there was a reduction with this phase and more hardy board being used. He understood they were changing colors of pallets, and asked why the changes are occurring since what is existing is very nice looking. Ms. Pereira explained the colors are a little bit different, but did not feel they were necessarily completely different. She believed they were trying to create more of a modern and urban look, which she thought still ties into the rest of it without looking completely different. Ms. Pereira explained how high the brick was going to go on the proposed building, and felt that the elevations that were submitted were compatible and aesthetically pleasing.

Mr. Erbes said there will be additional evergreens added to the parking lot to the east and asked if it will be the same density as what existed along the northern part of the parking lot. Ms. Pereira said yes, and discussed how the applicant had modified the site plan so the parking spaces would not face along the eastern property line.

Mr. Archibald stated he liked the concept and thought it was a good reuse of what was originally approved. He questioned why it was changed from office to residential on this property and what the thought was behind having a 100-unit building and why the setbacks were minimal. Mr. Birkla said the property was for sale, and they have over 40 million dollars in investments and thought the best way to protect that corner was to build it their selves. He explained out of the three projects, he is most excited about this project because in Phase I they were blazing new territory with an urban style development with large buildings. He said the success of the development was unbelievable, and when the hospital was built it allowed for their construction of Phase II. Mr. Birkla explained in Phase II the quality was stepped up a little bit from Phase I inside the units. He said they remain 98% occupied, and have never dipped below the lower 90%. Mr. Birkla explained they wanted to create a denser community and Phase I was a success they never anticipated.

Mr. Birkla stated in regards to the setbacks, it is the most urban of the three. He said it is one building that is elevator driven, so it opens up the demographics to an older and younger population. Mr. Birkla said the hallways will be heated and cooled, and has been successful in the other projects they have done. He said it really becomes more like a resort because people do not have to leave the building to access the gym or lounge. Mr. Birkla said in regards to the brick and color, they are trying to mimic more of a metal panel look with a quality material and hardy board to create a complimentary look to the other buildings. He said bringing the building closer to the street helps with the urban feel. Mr. Birkla explained the price points are going up because they will have upgraded amenities in the apartments. Mr. Birkla discussed Park Overlook Drive and was excited to see it was going to be cut through to Grange Hall Road. He said they have worked on market studies so they can create a unit that will complement the other two phases.

Mr. Archibald asked how the existing buildings compared in size to the proposed building. Mr. Birkla stated Phase I has 209 units, Phase II has 116 units and Phase III is proposed to be 100 units. Mr. Archibald questioned what the size of the new units will be. Mr. Birkla explained they will be a little smaller, but they will have upgraded finishes and amenities. Mr. Archibald was concerned with the parking, and did not have a problem with the additional parking being in the office parking lot except it takes a resident further away from their home. He asked if the applicant had any flexibility in bringing the parking closer to the building or numbering the parking spaces according to what apartment they are in. Mr. Birkla explained they have gone through many versions of the plan, and said the other units are about 1.5 spaces per unit and they have never had a parking issue. He said they reduced the number of parking spaces to pull the parking spaces away from the existing neighborhood to the east. Mr. Birkla said they went away from the parking in the u-shape part of the building so the amenities could be closer and better greenspace by the pond. Mr. Archibald understood, and did not see where anything could be done.

Mr. Archibald asked who will own the entrance into the property on Hibiscus Way because he was concerned about vehicles traveling on the road, and thought with all the traffic there needed to be a control put in there. Mr. McGrath said the entrance/exits will line up on Hibiscus Way, and said other than signs he wasn't sure what could be done. Mr. Archibald was thinking a light needed to be installed. Mr. McGrath explained a traffic light has to be warranted by the State to be installed, and he did not feel there would be enough traffic there for a light. He said the Engineering Department could look at it and see what could be done. Mr. Archibald discussed a situation that happened today, and said there were no marking on the road. Mr. McGrath said marking could be addressed and he would talk to the Engineering Department to see what can be done.

Mr. Curran MOVED to approve PUD 98-9 MOD 5/16 with 20 conditions:

1. The approved site plan, architectural elevations and landscape plan shall be those plans dated "Received May 25, 2016" except as modified herein.
2. A PUD Agreement must be signed by the owner and a bond or letter of credit for

landscaping must be submitted prior to issuance of a zoning permit for any portion of the project for the purpose, but not for the sole purpose, of insuring the installation of landscaping. Said bond or letter of credit must meet the requirements of the City's landscaping and screening regulations.

3. A detailed landscape plan shall be reviewed and approved by the Planning Department prior to the execution of the required PUD Agreement and release of any zoning permits for The Lux at Beavercreek. The final landscape plan shall show a row of evergreens along the eastern property line adjacent to the parking lot.
4. Perpetual maintenance of landscaping shall be provided and any dead or diseased materials shall be removed and replaced with similar types, species and sizes as originally planted within three months weather permitting.
5. Debris and trash shall be routinely collected by the owner from the parking lot and grounds of all areas of the project including the storm drainage facilities. The City reserves the right to require more frequent collection as necessary.
6. Prior to the issuance of any zoning permits, final cut sheet details and photometric plans for lighting of the site shall be reviewed and approved by the Planning Department. Light fixtures shall match the existing fixtures within College Park South.
7. A special lighting assessment district for operational costs and not installation of fixtures shall be created and approved by the City Engineer. The installation of the streetlights is the responsibility of the applicant and not the City.
8. The building exterior of any of the structures shall not be painted or altered in any way that varies from the approved elevations unless otherwise approved by the Planning Department or, if required, by the City Council and/or Planning Commission.
9. No temporary signs of any kind are permitted unless otherwise approved by the Planning Department and/or Planning Commission.
10. Material and color samples shall be submitted to the Planning Department for review and approval prior to the issuance of any zoning permits.
11. All concerns of the City Engineer, Fire Department, Sanitary Engineer and the Planning Department shall be addressed and met prior to the release of any zoning permits.
12. The construction hours for exterior work shall be limited to 7:00 am to 7:00 pm, Monday thru Saturday.
13. Stop bars and/or stop signs shall be installed and maintained, by the property owner, throughout the parking lot in locations to be approved by the Planning and Engineering Departments.

14. Any portion of the site disturbed by grading and on which no construction occurs within three months after completion of the site grading shall be planted with appropriate ground cover and properly maintained.
15. Mechanical and HVAC equipment must be screened with landscaping and/or parapet walls and shall not be visible to the public.
16. All trash collection containers shall be enclosed within a building or screened from view through the use of a permanent dumpster enclosure designed to match the building by using the same materials as those found on the building. The final design shall be reviewed and approved by the Planning Department prior to the issuance of a zoning permit
17. Prior to the release of any zoning permits, park fees shall be paid.
18. Prior to the release of any zoning permits, impact fees shall be paid.
19. A replat shall be approved by the Planning Department and all necessary bonds and fees shall be paid prior to the release of a zoning permit for any building.
20. Aeration and water circulation devices and/or fountains are required for the retention pond(s) and shall be maintained by the owner, developer, or the condo association in perpetuity.

Motion was seconded by Mr. Erbes. Motion PASSED by a roll call vote of 3-0. (Loftis, Self absent)

ADJOURNMENT

Mr. Erbes MOVED adjournment at 9:11 p.m., seconded by Mr. Curran. Motion PASSED by majority voice vote.

Melissa Gillaugh
Deputy Clerk

**CITY OF BEAVERCREEK
PLANNING COMMISSION
AGENDA ITEM REPORT**

Meeting Date: July 6, 2016	Reference Topic PUD 16-1
Agenda Reference No.	The Cottages of Beavercreek

ACTION REQUESTED		
<input checked="" type="checkbox"/> Approval	<input type="checkbox"/> Disapproval	<input type="checkbox"/> Table
<input type="checkbox"/> Review and Comment	<input type="checkbox"/> No Action Requested	<input type="checkbox"/> Other

REQUEST BY APPLICANT:

As Planning Commission may recall, this project was tabled at last month's meeting in order to allow for Planning Commissioner's not present to weigh in and vote on the project. Since last month's meeting, the applicant had a land planner improve the look and layout of the concept plan, while still maintaining the agreed upon buffers and no-grade zones. Staff has updated the proposed resolution with the new concept plan and language that establishes the buffers, no-grading zones, and construction traffic concerns relayed by neighbors over the last few months.

STAFF RECOMMENDATION:

Staff is recommending approval of this rezoning request as outlined in the attached Resolution.

PROCEDURAL OPTIONS FOLLOWING ACTION:

The Planning Commission may choose to recommend approval, disapproval, modifications or tabling the attached application for further review.

Burkett

RESOLUTION

CITY OF BEAVERCREEK
PLANNING COMMISSION
July 6, 2016

RE: R - PUD 16-1
The Cottages of
Beavercreek

WHEREAS, Charlie Simms of Simms Development (Agent for the owner) 2785 Orchard Run Road, Dayton Ohio 45449, has filed an application requesting approval of an amendment of zoning classification from A-1 Agricultural to R-PUD 16-1 Residential Planned Unit Development for 20.03 acres, located at 2358 County Line Road, further described as Book 3 Page 3, Parcel 72 on the property tax maps of Greene County, Ohio; and

WHEREAS, a public hearing was held on May 4, 2016 by the Beavercreek Planning Commission at which time all people who wished to testify gave their comments at the public hearing; and

WHEREAS, the Beavercreek Planning Commission finds that the facts submitted with this rezoning application and presented at the public hearing and any modifications, amendments, or supplementary conditions satisfy the standards and criteria for rezoning approval as per §158.065 of the Zoning Code; and

WHEREAS, Beavercreek Planning Commission finds that, pursuant to §158.071 of the Zoning Code, each and all of the included uses are appropriate for this specific R-PUD; and

WHEREAS, Beavercreek Planning Commission finds that the applicant's plans are in basic compliance with the City of Beavercreek Land Use Plan.

NOW, THEREFORE BE IT RESOLVED, that Beavercreek Planning Commission recommends to the Beavercreek City Council:

SECTION I

That the Zoning Map referenced in §158.018 of the Zoning Code be amended to change approximately 20.03 acres of land located at 2358 County Line Road, from A-1 Agricultural to R-PUD Residential Planned Unit Development.

SECTION II

1. The approved concept plan shall be the plans dated "Received June 21, 2016", except as modified herein.
2. Principal and accessory uses permitted in this R-PUD shall only be the following:
 - a) One Family Dwellings
 - b) Two Family Dwellings
 - c) Multi-Family Dwellings
 - d) Private garages for storage of vehicles of residents and employees
 - e) Private swimming pools and club houses for use by residents and guests only.
 - f) Those accessory buildings and accessory uses customarily incidental to the permitted principal uses.
3. Maximum density for this property shall be 4.31 dwelling units per acre.
4. Total units for the R-PUD shall not exceed 90 dwelling units.
5. Points of access and vehicular circulation as shown on the concept plan are subject to City of Beavercreek final review and approval at the specific site plan stage.
6. Building plans, designs and elevations for residential structures within the 20.03-acre project shall be subject to review and approval by Planning Commission and City Council at specific site plan stage.
7. Open space for this development shall be no less than 55% of the total land area.
8. The applicant shall be required to pay all applicable park fees, or dedicate parkland in lieu of park fees as determined by the City Manager, Planning Department and/or Parks Department prior to releasing the record plan for recording.
9. All principal dwellings shall be limited to one story.

10. Buffers and grading limits for the project shall be as follows:

- a) Where the woods exist along the southern property line abutting the multi-family residential properties, maintain 50 foot buffer from the property line. No grading or removal of vegetation permitted with the southern 25 feet of this 50-foot buffer, or as regulated by Planning Commission and/or City Council at the Specific Site Plan Stage.
- b) Where there are no woods along the southern property line abutting the multi-family residential properties, construct a 4-foot mound, complimented with dense evergreens trees.
- c) Where the woods exist along the northern property line abutting the single family residential properties, maintain 50 foot buffer from the property line. No grading or removal of vegetation permitted within this 50-foot buffer, except within the southern two feet, or as regulated by Planning Commission and/or City Council at the Specific Site Plan Stage.
- d) Where there are no woods along the northern property line abutting the single family residential properties, construct a 6-foot mound, complimented with dense evergreens trees.
- e) If acceptable to Beaver Creek Fire Department, maintain natural barrier (tree) that dead-ends on Quill Drive to the north by curving the emergency access road.
- f) Emergency access roads shall be constructed from grass pavers, the final design and location subject to review and approval at the specific site plan stage.
- g) No construction traffic shall be permitted on Quill Road, Terrace Drive, or Straight Arrow Road.

SECTION III

These plans and all papers relating to the approved plan shall be submitted with this Resolution to City Council.

The Clerk is directed to transmit this case to City Council for further determination as required by law.

ADOPTED:

VOTING FOR ADOPTION:

VOTING AGAINST:

ABSENT:

Attest:

Chairman

THE COTTAGES OF BEAVERCREEK

June 20, 2016



CHARLES SIMMS DEVELOPMENT
FOUNDED IN 1957

Paresi
DESIGN STUDIO

WOOLPERT

RECEIVED
JUN 21 2016
CITY OF BEAVERCREEK
PLANNING DEPARTMENT

Longmeadow Ln



THE COTTAGES OF REAVERCREEK

June 20, 2016

CHARLES SIMMS DEVELOPMENT
FOUNDED IN 1950



STONEGATE

LOVE

SANDY WAY

SEATE

BELAUTO

QUILL

DESAI

WEBER

WOODLAND

MAPLE HILL

STRAIGHT ARROW

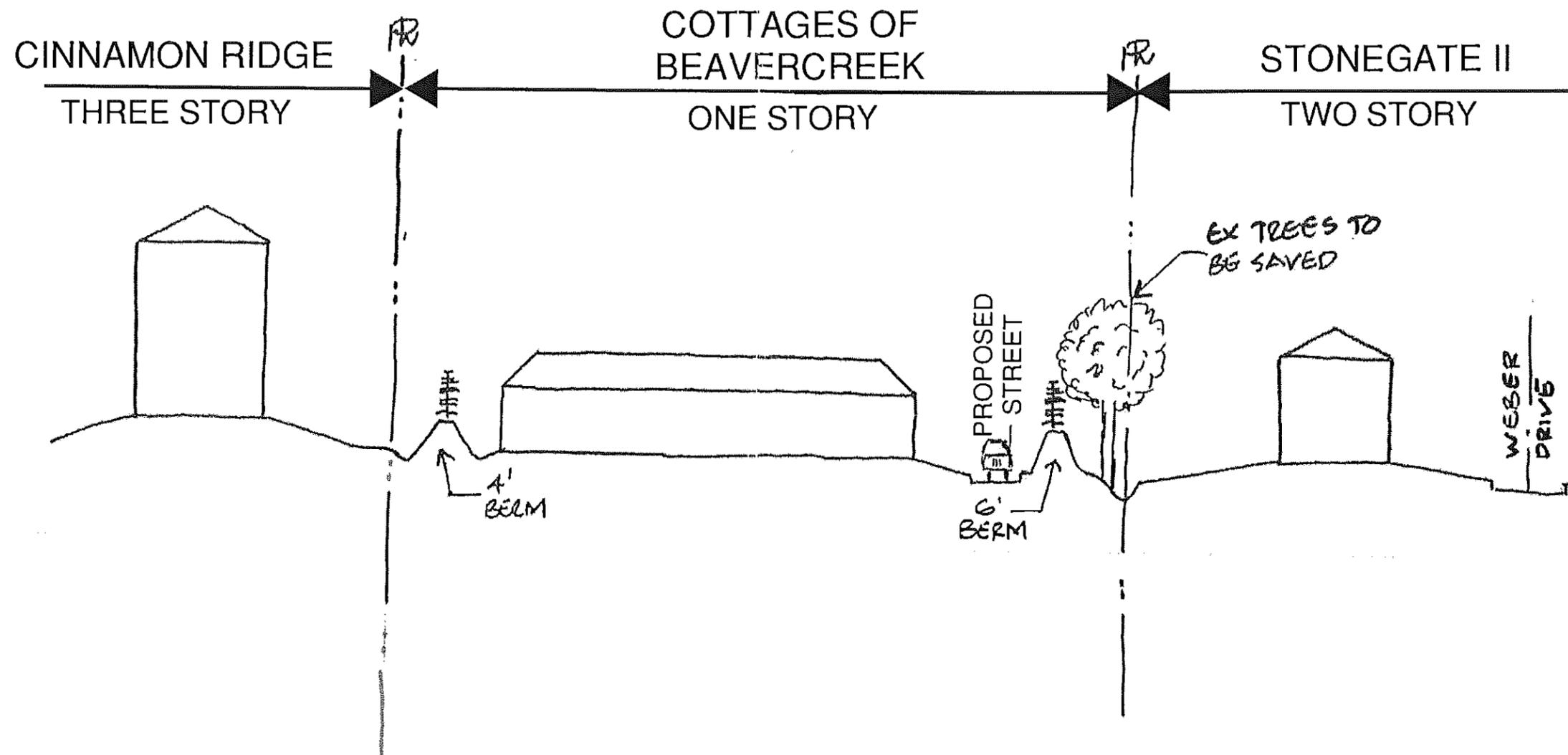
QUILL

LONGMEADOW

WOOLPERT

PLATTNER

WILLOW RUN



COTTAGES OF BEAVERCREEK
 SITE CROSS-SECTION
 SCALE: HORIZ: 1"=60'
 VERT: 1"=20'
 DATE: JUNE 9, 2016

**CITY OF BEAVERCREEK
PLANNING COMMISSION
AGENDA ITEM REPORT**

Meeting Date: July 6, 2016	Reference Topic: PC 16-1 Zoning Code Updates
Agenda Reference No.	

ACTION REQUESTED		
<input type="checkbox"/> Adopt Ordinance	<input checked="" type="checkbox"/> Adopt Resolution	<input type="checkbox"/> Review and Comment
<input type="checkbox"/> No Action Requested	<input type="checkbox"/> Accept Staff Recommendation	<input type="checkbox"/> Adopt Motion

RESPONSIBLE DEPARTMENT OR AGENCY		
<input type="checkbox"/> Finance	<input type="checkbox"/> City Council	<input type="checkbox"/> Law
<input type="checkbox"/> Parks & Recreation	<input type="checkbox"/> Engineering	<input checked="" type="checkbox"/> Planning & Zoning
<input type="checkbox"/> Police	<input type="checkbox"/> Public Service	<input type="checkbox"/> City Manager
<input type="checkbox"/> Clerk of Council	<input type="checkbox"/> Human Resources	<input type="checkbox"/> Other _____

REQUEST

Attached you will find changes to the Zoning Code as a result of discussions at previous meetings.

STAFF RECOMMENDATION:

Staff is recommending approval of this request as outlined in the attached resolution.

PROCEDURAL OPTIONS FOLLOWING ACTION:

The Planning Commission may choose to approve, modify, disapprove, or table this resolution.

RESOLUTION

CITY OF BEAVERCREEK
PLANNING COMMISSION
July 6, 2016

RE: PC 16-1 Beaver Creek
Zoning Code Updates

WHEREAS, the City of Beaver Creek Planning Commission has determined it necessary to make certain corrections and additions to the Beaver Creek Zoning Code; and

WHEREAS, public hearing was held on May 4, 2016 by the Beaver Creek Planning Commission at which time all people who wished to testify gave their comments at the public hearing.

NOW, THEREFORE BE IT RESOLVED that the Planning Commission recommends to the Beaver Creek City Council:

SECTION I

The City of Beaver Creek Planning Commission recommends to City Council adoption of the amendment to the Zoning Code as attached in "Exhibit A" May 27, 2016.

SECTION II

1. The approved Zoning Code shall be amended as described in "Exhibit A" dated May 27, 2016.

SECTION III

These papers relating to the Zoning Code changes shall be submitted with this resolution to City Council.

The Clerk is directed to transmit the case to City Council for further determination as required by law.

ADOPTED:

VOTING FOR ADOPTION:

VOTING AGAINST:

Chairman

Attest:

EXHIBIT A - May 27, 2016

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Beavercreek - Land Usage

SIGN, BULLETIN BOARD. Any sign located on the property of a public, institutional, religious or charitable organization which is used to announce its activities.

SIGN, BUSINESS. Any sign which directs attention to a business, profession, commodity or entertainment conducted, sold or offered upon the same lot.

SIGN, CANOPY. Any permanent sign attached to or constructed in or on a canopy.

SIGN, CHANGEABLE COPY. Sign on which copy is changed manually or electronically in the field such as reader boards with changeable letters or changeable pictorial panels.

SIGN, COMMEMORATIVE. A sign ~~which identifies~~ **located on** a site of memorable public interest **or historical significance.**

~~**SIGN, CONSTRUCTION.** A freestanding, temporary ground-mounted sign installed on the site of a commercial or residential development which is currently under construction.~~

~~**SIGN, DIGITAL DISPLAY.** Signs which utilize monitors, such as LCD television screens or Plasma televisions screens as a means to display advertising messages.~~

~~**SIGN, DIRECTIONAL.** Any sign which serves solely to designate the location or direction of any place or area.~~

SIGN, ELECTRICAL. Any sign containing electrical wiring which is attached or intended to be attached to an electrical energy source.

SIGN, EXEMPT. A sign exempted from normal permit requirements.

SIGN, FLASHING. Any sign which contains an intermittent or flashing light source, or which includes the illusion of intermittent or flashing light by means of animation, or an externally mounted intermittent light source.

SIGN, GOVERNMENTAL. A sign erected and maintained pursuant to and in discharge of any governmental functions, or required by law, ordinance or other governmental regulation for the purpose of informing or guiding the public.

SIGN, GROUND. A sign which is supported by one or more upright poles or braces in or upon the ground, which are not part of the building, and which does not exceed eight feet in height, also known as a monument sign.

~~**SIGN, IDENTIFICATION.** A sign bearing only the building name or addresses of occupants of the premises and bearing no commercial message other than that of the use identified.~~

EXHIBIT A – May 27, 2016
Zoning Code

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SIGN, MARQUEE. Any permanent sign attached to or constructed in or on a marquee.

~~**SIGN, MENU BOARD.** A ground or wall mounted sign, located adjacent to a restaurant's drive thru lane or pick-up window, displaying text and/or graphics not intended to be legible from a public right-of-way.~~

SIGN MESSAGE. The wording, copy, logo, or similar identifying form on a sign.

SIGN, NEON OR NEON-TYPE. Any arrangement of exposed and visible illuminated neon or neon tubes, fiber optics, light emitting diodes, or similar technology, excluding banding around any part of the perimeter of the building.

SIGN, NONCONFORMING. Any sign lawfully existing prior to the effective date of this chapter or amendments thereto, which no longer conforms to all standards and regulations of the current chapter. See also **NONCONFORMING USE**.

~~**SIGN, OFF-PREMISE.** A sign which directs attention to a use, commodity or service not related to the premises on which the sign is located.~~

SIGN, ~~OFF-PREMISE ELECTRONIC VARIABLE MESSAGE SIGN~~, SHUTTER STYLE SIGN or **DIGITAL BILLBOARD.** A sign that directs attention to a business, commodity, services, or entertainment conducted, sold or offered ~~at a location other than the premises on which the sign resides,~~ and, other than the supporting structure, is constructed so that the entire face of the sign is an electronic screen, display or device that changes the message or copy of the sign electronically.

~~**SIGN, ON-PREMISE.** Any sign identifying or advertising a business, person, activity, goods, products or services located on the premises where the sign is installed and maintained.~~

SIGN, PERMANENT. A sign permitted by this code **intended** to be located on the premises for an unlimited period of time.

~~**SIGN, POLITICAL.** Any sign identifying and urging voter support for or against a particular election issue, political party or candidate for public office.~~

~~**SIGN, PUBLIC SERVICE INFORMATION.** Any sign intended primarily to promote items of general interest to the community.~~

SIGN, PYLON. A permanent sign that is mounted on a free-standing pole or other support, and exceeds eight feet in height.

SIGN, RACEWAY. Any sign which contains individual letters that are mounted on a common aluminum channel box, known as a raceway or ballast box. The lettering typically contains all electrical components including wiring and transformers needed for the operation of the sign. The raceway itself is attached to the wall, rather than the individual letters.

EXHIBIT A - May 27, 2016
Beavercreek - Land Usage

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~~**SIGN, REAL ESTATE.** A temporary sign pertaining only to the sale, rent or lease of the property on which it is located.~~

SIGN, ROOF. Any sign erected upon, against, or directly above a roof or on top of or above the parapet of a building.

SIGN, ROTATING. Any sign or portion of a sign which moves in a revolving or similar manner, but not including multi-prism indexing signs.

SIGN, SCROLLING ELECTRONIC. A sign such as an electronically controlled public service time, temperature and date sign, message center or reader board where different copy changes are shown on the same lamp bank. See also **SIGN, CHANGEABLE COPY.**

SIGN STRUCTURE. Any structure which supports, has supported or is capable of supporting a sign, including decorative cover.

SIGN, TEMPORARY. A sign which is not permanently affixed. All devices such as banners, pennants, flags, (not intended to include a flag of any nation) searchlights, twirling or sandwich type signs, sidewalk or curb signs and balloons or other air or gas filled figures.

SIGN, TEMPORARY GROUND. A sign that is not permanently affixed to a stand or the ground (e.g. A-Frame or portable sign).

SIGN, TEMPORARY WINDOW. A sign painted on the interior of a window or constructed of paper, cloth or other like material and attached to the interior side of a window for a sale of merchandise or a change in the status of the business.

SIGN, UNDER CANOPY. A sign suspended below the ceiling or roof of a canopy or marquee.

SIGN, WALL. Sign attached to a wall of a building, with the face horizontally or vertically parallel to the building wall.

SIGN, WINDOW. Signs affixed to the glass on the inside of a window, or erected within three feet of a window on the inside of a building, so as to be seen from the outside of a building.

SLOPE. The relationship between the change in elevation of land (rise) and the horizontal distance over which that change in elevation occurs (run). Slope may be calculated by dividing the rise by the run, multiplied by 100, and expressed as a percentage, or shown as a ratio.

SOLAR ENERGY. Radiant energy (direct, diffused, and reflected) received from the sun.

SPECIFIC SITE PLAN. A detailed development plan for a part of, or all of, a planned unit development indicating the specific proposed locations of structures, signs, parking areas, means of vehicular access and movement, pedestrian walkways, landscaping and open space, lighting plans, buffering and screening devices, utility services, drainage and runoff control systems, and other details.

EXHIBIT A – May 27, 2016
Zoning Code

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(Q) *Mechanical equipment.*

(1) All mechanical equipment, such as HVAC systems and the like, shall be screened from public view, from public streets, public rights-of-way, and from abutting or adjacent properties.

(2) Screening on three sides of the mechanical equipment shall consist of a solid, opaque enclosure constructed of brick, concrete, concrete block, vinyl, PVC, or other decorative masonry, and shall be consistent with the architectural character of the development or principal building or structure. Landscaping material, such as shrubs or evergreen trees can be used in lieu of, or in combination with, the aforementioned materials, provided the design results in the required opaque enclosure.

(Ord. 09-21, passed 7-27-09)

● **158.041 ORP-1 OFFICE RESEARCH PARK DISTRICT.**

(A) *Intent.* To provide an area where certain office and professional uses can coexist with research and development type facilities. This includes offices and professional services that generally do not generate a large number of walk-in customers, and laboratories, engineering offices, prototype fabrication capabilities, test facilities, and the like, arranged in a campus or park-type setting with large open spaces to provide an environment for scientific and engineering personnel working on technical projects. A minimal amount of related prototype development and related accessory manufacturing is permitted.

(B) *Permitted principal uses.* See Appendix B. ~~A maximum of 35% of the gross floor area of the principal building on a lot may be used for prototype development facilities and related accessory manufacturing.~~

(C) *Accessory uses.* Those uses customarily incidental to the principal uses permitted in this district.

(D) *Conditional uses.* See Appendix B for allowed uses, provided conditional use approval is granted by the Planning Commission as provided in ● 158.171(C) of this chapter.

(E) *Lot size and width.* The minimum lot size shall be 43,000 square feet. The minimum lot width for this district shall be 125 feet.

(F) *Land Use Intensity.* The maximum land use intensity shall be as follows:

<i>Maximum Coverage by All Buildings</i>	<i>Maximum Coverage by all Buildings and Impervious Surfaces</i>
35%	75%

EXHIBIT A - May 27, 2016
Beavercreek - Land Usage

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(3) All exterior sides of the enclosure, except the gate, shall be landscaped pursuant to • 158.135, Landscaping, Screening and Buffering.

(4) Trash receptacle enclosures shall not be located any closer to the road than the front of the principal structure.

(5) All trash receptacle enclosures shall be a minimum of six feet high, and large enough to enclose all trash receptacles used by the principal use of the property. At the option of the property owner, the overall square footage of the trash receptacle enclosure may be increased an additional 80 square feet to allow for outdoor storage of property.

(Q) *Accessory structures.* See •158.104, Accessory Buildings, Structures, Appurtenances and Carports within Residential and Commercial Districts.

(R) *Mechanical equipment.*

(1) All mechanical equipment, such as HVAC systems and the like, shall be screened from public view, from public streets, public rights-of-way, and from abutting or adjacent properties.

(2) Screening on three sides of the mechanical equipment shall consist of a solid, opaque enclosure constructed of brick, concrete, concrete block, vinyl, PVC, or other decorative masonry, and shall be consistent with the architectural character of the development or principal building or structure. Landscaping material, such as shrubs or evergreen trees can be used in lieu of, or in combination with, the aforementioned materials, provided the design results in the required opaque enclosure.

(Ord. 09-21, passed 7-27-09)

• 158.042 RP-1 RESEARCH PARK DISTRICT.

(A) *Intent.* The purpose of this district is to provide an area dedicated to research and development type facilities. This includes offices and professional services that generally do not generate a large number of walk-in customers, and laboratories, engineering offices, prototype fabrication capabilities, test facility, and the like, arranged in a campus or park type setting with large open spaces to provide an environment for scientific and engineering personnel working on technical projects. A small amount of related production is permitted.

(B) *Permitted principal uses.* See Appendix B. ~~A maximum of 60% of the gross floor area of the principal building on a lot may be used for prototype development facilities and related accessory manufacturing.~~

(C) *Accessory uses.* Those uses and structures customarily incidental to the principal uses permitted in this district.

EXHIBIT A – May 27, 2016
Zoning Code

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(G) *Uses under conditional use provision not nonconforming uses.* Any use which is permitted as a conditional use in a district under the terms of this chapter shall not be deemed a nonconforming use in such a district, but shall without further action be considered a conforming use.

(H) *Restoring buildings.* When a building or structure the use of which does not conform to the provisions of this section has been damaged by explosion, fire or act of God, to the extent of 60% or more of its reproduction value at the time of damage, it shall not be restored or reconstructed or in any way used except in conformity with the district regulations of the district in which the building is situated. The Board of Zoning Appeals may grant an exception under the provisions of • 158.172(H)(4).

(I) *Violations not rendered nonconforming.* A use, structure or lot in violation of the provisions of this Zoning Code subsequently amended shall not become nonconforming upon the adoption of an amendment, but shall continue as violations.
 (Ord. 09-21, passed 7-27-09; Am. Ord. 10-12, passed 9-13-10; Am. Ord. 12-02, passed 2-13-12)

§ 158.126 KEEPING OF CHICKENS IN RESIDENTIAL DISTRICTS.

The keeping of chickens (*Gallus gallus domesticus*) is prohibited in the City of Beavercreek, except where an *AGRICULTURAL ACTIVITY* is permitted, or on properties used for one-family residential purposes under the following conditions:

(A) *General Regulation.*

(1) *Maximum number of chickens.* The maximum number of chickens shall be based on the following lot sizes:

(a) Lots less than 15,000 square feet shall not be permitted to keep or house chickens

(b) Lots that are 15,000 square feet or greater shall be permitted a maximum of six (6) chickens.

(c) Chickens shall not be permitted on multi-family or two-family residentially zoned properties.

(2) *Roosters.* Roosters shall not be permitted to be housed or kept on any residentially zoned property within the City.

(3) *Chicken pens or chicken coops.* The chicken pen or chicken coop shall conform to the following standards:

(a) Coops must be constructed of a solid wood, composite or vinyl material and be constructed so as to prevent rodents, wild birds, predators, dogs, and cats from accessing feed and the chickens.

(b) Pens shall only be permitted in the rear yard of the property, completely to the rear of the primary structure.

EXHIBIT A – May 27, 2016

(c) Pens may not be located any closer than twenty (20) feet from any property line of an adjacent property.

(d) Pens must be kept clean, dry, odor-free and free from accumulated manure. Any stored manure must be kept in a fully enclosed structure or container.

(4) *Processing of Chicken.* Chickens shall not be permitted to be butchered.

(5) *Nuisances.* Odors from chickens, chicken manure, or other chicken-related substances shall not be perceptible at the property boundaries. The property owner and/or chicken owner shall take all necessary action to reduce the attraction of predators and rodents and the potential infestation of insects and predators and parasites that may result in unhealthy conditions to human habitation. Should said infestation occur, the chickens and/or parasites and insects may be removed by the City, through the Greene County animal control officer, or other designee, and the cost of the same shall be borne by the property owner and/or chicken owner.

(B) *Permits required.*

(1) An accessory structure permit is required prior to the construction of the chicken coop. Coops shall be a maximum of 100 total square feet, have a maximum height of 10 feet, and shall not count toward the maximum allowed square footage of accessory structures in a residential district, as defined in 158.104 (E) (1).

(2) Prior to the introduction of chickens to the chicken coop, the property owner or his designee must apply for, and receive a separate permit for the keeping of chickens in a residential district.

(3) *Revocation of Permit.* The permit to keep chickens may be revoked by the City where there is a risk to public health or safety, or for any violations of or failure to comply with any of the provisions of this section.

(C) *Sunset Provision.* These regulations are temporary and are considered be valid for one year from the date it becomes effective. City Council shall re-evaluate these regulations and could make changes that could include the repealing of this subsection of the Zoning Code and requiring the removal of all previously approved chickens. Persons applying for a permit to keep chickens within the first year shall be made aware, as stated on the permit, that they may have to remove the chickens should council choose not to renew these regulations after the one year period.

(D) *Violations.* Any property containing chickens which fails to meet the requirements of this section shall be deemed to be in violation of this section and of the Zoning Code.

~~158.126 RESERVED.~~

● **158.127 NURSERY SCHOOL/DAY CARE CENTER.**

(A) *License required.* The nursery school/day care center shall secure a valid license from the Ohio Department of Human Services to operate such facility in the city.

(B) *Required outdoor play space.* The site shall have an outdoor play space which is located behind the required front yard setback, enclosed by a fence or wall a minimum of 42 inches high, and possess a minimum of 60 square feet for each child expected to use the play space at any one time.

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(Ord. 09-21, passed 7-27-09)

SIGNS**• 158.145 INTENT.**

To establish size and location standards which will meet the needs of businesses and other organizations within the city, while at the same time protect and enhance the visual quality of the City of Beavercreek.

(Ord. 09-21, passed 7-27-09)

• 158.146 EXEMPT SIGNS.

(A) *Intent.* These signs shall be exempt on the basis that they implement a compelling government interest in protecting the health and safety of persons and property in the city.

(B) *Exempt signs.* The following signs are exempt from this code and shall not require permits:

(1) Temporary or permanent signs erected and maintained by the city, County, State or Federal government for traffic direction or for direction to or identification of a governmental facility or community event as declared by the City Manager.

(2) ~~Directional~~ **Permanent** Ground signs **located at the entrance and/or exit of any commercial establishment** not to exceed two signs per driveway ~~indicating entrance and exit locations~~ with size not to exceed three square feet per sign face and four feet in height. ~~Advertisements or company logos are not allowed to be incorporated in the design of traffic or directional signs.~~

(3) Flags, emblems and insignias of national, state or local political subdivisions.

(4) Signs that do not exceed eight square feet in sign area and six feet in height **at the entrance to any residential neighborhood installed by a homeowners association** ~~that give notice of Neighborhood Crime Watch Programs being in effect.~~

(5) ~~Name and/or address descriptions~~ **Signs** mounted to the front wall of a building or to a lamp post in the front yard not to exceed two square feet in sign area.

(C) *Other exempt signs.* Signage not serving a compelling government interest in protecting the health, safety and welfare of person and property in the city, but still exempt.

(1) Single faced signs ~~dedicated for a specific purpose~~, located within the confines of a parking **space** ~~lot, such as "Carry Out Parking Only, or "Employee of the Month"~~, not to exceed four square feet.

(2) Barber poles, not larger than six inches in diameter, and three feet in height.

(3) Unshielded luminous tube (neon **and/or LED**) lighting, of small diameter (1/2 inch) which acts as an architectural detail on the exterior of any commercial structure; limited to rooflines, and cannot

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be located on the side of the building facing any residential structure or district.
(Ord. 09-21, passed 7-27-09; Am. Ord. 10-12, passed 9-13-10)

• 158.147 PROHIBITED PERMANENT AND TEMPORARY SIGNS.

All signs not expressly permitted under this section or exempt from regulation under the previous section are prohibited in the city. Such signs include but are not limited to:

(A) *List of prohibited permanent and temporary signs.*

(1) Abandoned signs.

(2) Beacons and searchlights except for emergency, health or safety purposes.

~~(3) Billboards, lead-in, or other off-premise signs except as provided for in • 158.159.~~

(3) Blinking, flashing or intermittent lighting, except those permitted under electronic copy signs in "B" districts.

~~(4)~~ (5) Moving, animated or rotating signs.

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(56) Pennants, streamers, banners, windfeathers, flags not exempt under • 158.146, and similar devices.

(67) All helium, gas and air balloons located on or anchored to structures, vehicles, the ground, or to anything connected to or on the ground, including skytubes, skydancers, and similar devices.

(78) Portable signs except as authorized under temporary signs.

(89) Projecting **roof** signs.

~~(10) Roof signs.~~

(911) Signs attached to any tree, utility pole, fence, bench, trash receptacle **and/or enclosure**, ~~or newspaper vending machine.~~

(1012) Signs for which a permit has not been issued by the city or which are not exempt under • 158.146.

(113) Signs attached to or painted on the face of accessory buildings except those attached to automatic teller machines or similar structures.

(1214) Any sign which, by reason of its size, shape, location, ~~content~~, coloring or manner of illumination:

(a) Constitutes a traffic hazard or a detriment to traffic safety by obstructing the vision of drivers or by obstructing or detracting from the visibility of any traffic sign or control device on public streets and roads.

(b) May be confused with a traffic-control sign, signal or device or the light of an emergency or road equipment vehicle.

~~(15) Signs which make use of words, phrases, symbols or characters in such a manner as to interfere with, mislead, or confuse traffic.~~

(1316) Signs which obstruct free ingress and egress from a required door, window, fire escape, or other required exit way.

(1417) Signs or parts thereof which are erected within or above a public right-of-way.

(1518) Signs which convey visual information that may be prohibited under the obscenity statutes of the state.

(1619) Spinning devices or strings of spinning devices.

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(1720) Window signs in any district which covers more than 50% of total window area.

(1824) Any sign that is attached, painted or placed onto or inside a parked vehicle which is used primarily for commercial advertising is prohibited unless such advertising pertains to the business for which the vehicle is actively and normally used (e.g. delivery or service van/truck) or for the sale or rental of the vehicle itself.

(Ord. 09-21, passed 7-27-09; Am. Ord. 12-02, passed 2-13-12)

• **158.148 GENERAL DESIGN, ERECTION AND MAINTENANCE PROVISIONS.**

Every sign shall be designed, erected, altered, reconstructed, moved and maintained in accordance with the provisions of this section unless specifically modified by another section of this section.

(A) *Automatic teller machine signs - (ATMs).* Automatic teller machines or similar devices either attached to a principal structure or enclosed within an independent free standing structure shall be permitted two square feet of sign area for every one foot width of the ATM structure not to exceed 20 square feet of total sign area.

(B) *Awning signs.*

(1) Awning signs may be displayed in lieu of but not in addition to a wall sign for an individual establishment.

(2) If illuminated, such awning shall have lighting concealed from view.

(3) An awning sign shall not project higher than the top of the awning to which sign text is affixed.

(C) *Changeable copy area.*

(1) Permanent ground signs located in "B" Districts as well as permitted conditional uses in agricultural and residential districts may incorporate up to 50% per side of total sign area for changeable copy, with a maximum 24 inches in height of changeable copy area.

(2) Changeable copy may be used in lieu of but not in addition to electronic copy.

(3) All permanent changeable copy signs must be enclosed and locked securely in a clear glass or plastic casing.

(4) No property that utilizes a changeable copy sign shall be permitted to have any temporary signage.

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(D) *Dangerous or defective signs not permitted.* A sign in dangerous or defective condition shall not be permitted on any premises. Any such sign constitutes a nuisance and shall be removed or repaired as required under • 158.156.

(E) *Electronic copy signs.*

(1) Permanent ground signs located in "B" Districts as well as permitted conditional uses in agricultural and residential districts may incorporate up to 50% per side of total sign area for electronic copy ~~area~~ with a maximum 24 inches in height of electronic copy ~~area~~. **The measurement for an electronic copy sign includes the entire area of the electronic copy structure, not the letter area.**

(2) Electronic copy may be used in lieu of but not in addition to changeable copy.

(3) Electronic display shall remain constant for a period not less than two seconds per message.

(4) No property that utilizes an electronic copy sign shall be permitted to have any temporary signage.

(5) Electronic copy signs shall be permitted as ground signs only. No wall sign shall be permitted to have electronic copy sign area.

(F) *Ground signs.*

(1) *General.*

(a) Any temporary ground sign or any part thereof shall be set back a minimum distance of 15 feet from the edge of an adjacent roadway pavement. Additional setback may be required to avoid placement within the public right-of-way.

(b) A permanent ground sign or any part thereof shall be set back a minimum distance of five feet from any right-of-way or from any proposed right-of-way or any property line or as otherwise required in this section. Greater setbacks for permanent signs may be required to improve sight distances at intersections. All ground signs must be located only in the front yard unless otherwise expressly permitted by this section. In no instance may a ground sign be located closer than 15 feet from the edge of roadway pavement.

(c) The Planning and Zoning Department may permit a slight variation from the minimum street frontage spacing requirements for ground signs applicable in individual zoning districts if conflict with driveways, natural barriers, trees, and utility equipment is unavoidable.

(d) If a ground sign is pole-mounted, skirting shall be installed between the bottom of the sign and the ground to visually convey the impression of a monument-type sign.

(2) *Minimum street frontage.* Permanent ground signs shall be prohibited on parcels with street frontage less than 50 feet in width at the right-of-way line unless otherwise expressly permitted in this sign code.

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(3) *Landscaping requirements.* A permanent ground sign shall require a single continuous landscaped area to be maintained around the base of the sign in accordance with the following standards:

(a) The minimum landscaped area shall be equal to or greater than the total sign area of the sign.

(b) The landscaped area shall include all points where sign structural supports attach to the ground and are visible.

(c) Where the required landscaped area is adjacent to a paved surface accessible to vehicular traffic, a raised non-mountable curb suitable to prevent the encroachment of vehicles into the landscaped area shall be required. The minimum distance between the face of any such required curb and any part of the sign shall be 30 inches.

(d) The landscaped area shall include one or more of the following plant materials: shrubs, trees, grass and/or seasonal varieties permanently located and properly maintained with dead vegetation replaced as soon as weather permits. The use of exposed concrete, asphalt, or any other paved surface inside the required landscaped area beneath the sign is prohibited.

(4) *Construction sites.* During construction of a commercial or residential development, one free-standing temporary ground-mounted sign shall be permitted to be installed on the site of the commercial or residential development. The sign shall be single-faced, have a maximum height of eight feet and not exceed 32 square feet in sign area. Minimum setback for the sign shall be 15 feet from the public right-of-way. The sign shall be removed within two years after the date on the sign permit, or a new permit shall be needed.

(a) To ensure removal, the applicant shall be required to place a cash bond with the city at the time of the permit issuance for the removal of the sign. Said bond shall be in the amount as stated in the approved fee schedule of the City of Beavercreek and shall be refunded in full to the applicant if the permitted sign is removed within the required timeframe.

(b) In the event a permitted ~~construction~~ sign is not removed at the required time, said sign shall be deemed an illegal sign and the bond shall be forfeited to the city to cover removal costs.

~~(G) Major development signs. Developments in C-PUD, MX-PUD and I-PUD districts, fronting on an expressway, principal arterial, major arterial, arterial or thoroughfare roadway may be permitted one permanent freestanding pylon sign per street frontage up to a maximum of two permanent pylon signs per development.~~

(GH) *Marquee signs.*

(1) Marquee signs may be displayed in lieu of but not in addition to any other form of permanent sign identification with the exception of under marquee signs for an individual business establishment.

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(2) If illuminated, such marquee signs shall have lighting concealed from view.

(H) *Neon signs and neon banding.*

(1) Neon signs shall be permitted in business districts only, unless otherwise approved in a PUD district and cannot be located on the side of the building facing any residential structure or district.

(2) Neon signs may be displayed in lieu of, but not in addition to, a wall sign for an individual establishment.

(3) Neon banding shall be allowed provided the banding follows the roofline, and the tubes are no larger than one-half inch in diameter.

(I) *Number of signs permitted.* An individual establishment shall be permitted a maximum of two types of permanent sign identification unless otherwise permitted or prohibited in this section.

(JK) *Planned Unit Development sign programs.* Signs which have been approved as part of a Planned Unit Development sign program may vary from the requirements stated within this section. Variations permitted through a PUD sign program may include but are not limited to the following: total number of signs permitted, sign size, sign setback, sign height, material composition of sign and percentage of sign area devoted to changeable copy or electronic copy. Such deviations are recognized to be primarily for safety or unique parcel configuration circumstances and are not intended to circumvent the intent of the sign code.

(KL) *Sign location with respect to street and building frontages.*

(1) All signs permitted by virtue of a premises having street frontage or building frontage shall be located only along the front of the structure or property visible from the fronting roadway or from the adjacent parking lot.

(2) In the case where an individual occupant would have no building frontage, the maximum horizontal width of the portion of the building where that occupant's main entrance is located shall be considered that occupant's separate and distinct building frontage. In the case where the ground floor of a building is occupied by two or more different tenants, the portion of the building frontage occupied by each tenant shall be considered a separate and distinct building frontage.

(LM) *Temporary sign illumination.* Illumination of a temporary sign shall be prohibited.

(MN) *Temporary signs (additional permitted).* In addition to temporary signs permitted in the specific district requirements of this section, temporary signs shall also be permitted which comply with the following requirements:

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(1) ~~Real estate signs shall be permitted as follows~~ **Temporary signs on properties for sale, rent, or lease:**

(a) *Location.* One ground or window sign per street frontage ~~to advertise the sale, rental or lease of the property upon which the sign is located~~ shall be permitted. Any ground sign or part thereof shall be set back a minimum of 15 feet from the edge of any adjacent roadway pavement. Additional setback may be required to avoid placement within the public right-of-way and/or to prevent a line-of-sight obstruction. No sign may be located within the median or any other part of a public right-of-way and shall not block visibility or create an obstacle for motorists, bicyclist, or pedestrians.

(b) *Area.* In residential districts, the total sign area shall not exceed six square feet per sign face or 12 square feet in total sign area if two sided. In nonresidential districts, total sign area shall not exceed 16 square feet per sign face, or 32 square feet in total sign area if two sided.

(c) *Height.* In residential districts, the sign height shall not exceed four feet. In nonresidential districts, sign heights shall not exceed five feet.

(2) ~~Political opinion, election and issue signs~~ **Temporary signs installed prior to an election or referendum** shall be permitted as follows:

(a) *Property owner permission required.* It shall be the responsibility of the owner of any ~~political~~ sign to obtain the permission of the property owner of any parcel on which the sign will be placed, prior to the placement of any ~~political~~ sign.

(b) ~~Political opinion, election and issue signs in residential~~ **Residential districts:**

1. ~~Political~~ **S**signs shall not be illuminated.

2. ~~Political~~ **S**signs shall not be larger than six square feet per sign face or 12 square feet in sign area if two sided.

3. ~~Political~~ **S**signs shall not be mounted to any tree, utility pole or building.

4. ~~Political~~ **S**signs shall not be displayed in the right-of-way and cannot create a line of sight hazard.

(c) ~~Political opinion, election and issue signs in C~~ **Commercial districts.**

1. ~~Political~~ **S**signs shall not be illuminated.

2. Each commercial parcel shall be allowed one large sign, up to 16 square feet per sign face, or 32 square feet if two-sided, ~~per individual political issue, opinion and election.~~

3. In addition to the large sign, each commercial parcel shall be allowed an additional 36 square feet within smaller signs, each of which shall be no larger than six square feet per sign face, or 12 square feet if two-sided, ~~per individual political issue, opinion and election.~~

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4. ~~Political~~ Signs shall not be mounted to any tree, utility pole or building.

5. ~~Political~~ Signs shall not be displayed in the right-of-way and cannot create a line-of-sight hazard.

6. Because of the nature of materials typically used to construct ~~political~~ **these types of** signs, to avoid the unsightliness of deteriorating signs and all safety concerns which accompany such a condition, ~~political~~ signs must be removed or replaced when the sign is deteriorated or within 60 days from the date the sign is posted, whichever comes first. The city may cause the removal of any deteriorated sign and charge the expenses for the removal to the owner of the property on which the sign is displayed. If posts are used to display larger signs, said posts shall also be removed within 60 days from the date the sign is posted.

7. Prior to the placement of a ~~political~~ sign on a commercial property, the owner of the sign shall submit and receive approval by the Planning Department for a Temporary ~~Political~~ Sign Permit.

8. Prior to the placement of the ~~political~~ sign on a commercial property, the owner of the sign shall submit and receive approval by the Ohio Utility Protection Services before driving posts for large signs.

~~(NE)~~ *Under marquee signs.* Under marquee signs shall be mounted as nearly as possible to right angles of the building face.

~~(OP)~~ *Wall signs.*

(1) A wall sign may be displayed in lieu of, but not in addition to, an awning sign or neon sign for an individual establishment.

(2) A wall sign shall not project more than 18 inches from the wall of the building upon which it is mounted.

(3) A wall sign shall be inclined from the vertical only to the extent necessary for conformity to the general contour of the wall to which the sign is mounted.

(4) A wall sign shall not extend above the top of the wall and shall not extend beyond the limits of any wall to which it is attached.

(5) A wall sign shall not mask or interrupt a major architectural feature (such as, but not limited to, doors, windows, or trim).

(6) A wall sign shall have hidden structural supports and shall be mounted in such a way as to not allow movement by **normal** atmospheric conditions.

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(7) If illuminated, such lighting shall not produce glare and all lighting elements, including wiring, shall be concealed from view.

(8) The removal or alteration of any wall sign shall result in the underlying façade being returned to its original construction condition, so as to leave no evidence of a former sign.

(PQ) *Exterior lighting for signage.* See • 158.136, Standards for Exterior Lighting.

(QR) ~~Maintenance~~—All signs using illumination, whether internal or external, shall be maintained in good working order. Any inoperable light source, which gives the sign an incomplete appearance, shall be replaced by the owner of the sign as soon as practical.

(Ord. 09-21, passed 7-27-09; Am. Ord. 10-12, passed 9-13-10; Am. Ord. 12-02, passed 2-13-12)

• **158.149 SIGNS PERMITTED IN A-1 DISTRICTS.**

(A) *Total sign area allowed.* Total sign area for a permanent ground sign for each developed nonresidential or nonagricultural parcel with a permitted or conditional use shall be based on one quarter square foot of sign area for each linear foot of street frontage. Sign area for permanent wall signs shall be based on one quarter square foot of sign area for each linear foot of building frontage.

(B) *Permanent ground signs.*

(1) One ground sign shall be permitted for each developed parcel. **A larger number of ground signs may be permitted through the PUD or conditional use process.**

(2) Developed parcels located on corner lots are permitted only one ground sign.

(3) The total sign area of a ground sign shall not exceed ~~30~~²⁴ square feet per sign face or ~~48~~⁶⁰ square feet in total sign area.

(4) No ground sign shall exceed ~~four~~^{five} feet in height from established grade to top of sign structure. See also Appendix C.

(5) Premises fronting on more than one public right-of-way shall not combine permissible sign area for two or more building frontages for the purpose of placing the combined area of signs on one building frontage.

(C) *Permanent wall signs.*

(1) One wall sign per building frontage shall be permitted for nonresidential or nonagricultural premises with a permitted conditional use.

(2) Premises fronting on more than one public right-of-way shall not combine permissible sign area for two or more building frontages for the purpose of placing the combined area of signs on one

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building frontage.

(3) The total sign area of a wall sign shall not exceed 16 square feet in sign area.

(4) A wall sign shall not project above the top of the wall to which attached.

(D) *Temporary ground signs ~~excluding~~ excluding those outlined in §158.148 ~~political and real estate signs.~~*

(1) Each individual establishment shall be allowed to choose one of the following options per calendar year for a temporary portable ground sign containing changeable copy or for an A-frame sign.

(a) Two temporary sign permits each calendar year for a period of time not to exceed one continuous 15-day period per sign permit. Each continuous 15-day period shall be separated from any subsequent 15-day period by no less than 30 calendar days.

(b) One temporary sign permit each calendar year for a period of time not to exceed one continuous 30-day period.

(2) The sign shall not exceed five feet in height.

(3) Total sign area for temporary ground signs, which are to be constructed of metal, wood, plastic or fiberboard, shall not exceed 20 square feet in sign area per sign face, total sign area not to exceed 40 square feet.

(Ord. 09-21, passed 7-27-09; Am. Ord. 12-02, passed 2-13-12)

● **158.150 SIGNS PERMITTED IN R DISTRICTS.**

(A) *Permanent ground signs.*

(1) One permanent ground sign shall be permitted ~~to identify~~ **near the entrance of** an approved subdivision, neighborhood, multi-family development complex, or permitted conditional use. ~~These signs shall be permitted so as to implement a compelling government interest in protecting the health and safety of persons and property in the city through proper identification of subdivisions, neighborhoods, multi-family developments and conditional uses.~~ A larger number of ground signs may be approved through the PUD or conditional use process.

(2) Ground signs must be located along a principal arterial, major arterial or visually definable entryway to a residential subdivision or permitted conditional use.

(3) The total sign area of such a ground sign shall not exceed 30 square feet. The sign shall not exceed 15 square feet per face.

(4) No ground sign shall exceed four feet in height from established grade to top of sign structure. See also Appendix C.

(B) *Temporary ground signs for residential uses **excluding those outlined in §158.148.** ~~excluding political and real estate signs.~~*

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(1) Only one temporary ground sign constructed of fiberboard, wood or plastic shall be permitted on an individual residential parcel for a period of time not to exceed one continuous seven-day period in any one calendar year.

(2) The sign height shall not exceed four feet.

(3) Total sign area for a temporary ground sign shall be based on one square foot of sign area for every ten linear foot of street frontage. The total sign area shall not exceed ten square feet per sign face or 20 square feet in total sign area.

(C) *Temporary ground signs for non-residential uses **excluding those outlined in §158.148.*** ~~excluding political and real estate signs.~~

(1) Each individual establishment shall be allowed to choose one of the following options per calendar year for a temporary portable ground sign.

(a) Two temporary sign permits each calendar year for a period of time not to exceed one continuous 15-day period per sign permit. Each continuous 15-day period shall be separated from any subsequent 15-day period by no less than 30 calendar days.

(b) One temporary sign permit each calendar year for a period of time not to exceed one continuous 30-day period.

(2) The sign height shall not exceed five feet.

(3) Total sign area for a temporary portable ground sign, which shall be constructed of metal, wood, plastic or fiberboard, shall not exceed 20 square feet in sign area per sign face, total sign area not to exceed 40 square feet.

(Ord. 09-21, passed 7-27-09; Am. Ord. 12-02, passed 2-13-12)

● **158.151 SIGNS PERMITTED IN RO-1 DISTRICTS.**

(A) *Permanent ground signs.*

(1) One ground sign shall be permitted for each developed parcel. **A larger number of ground signs may be approved through the PUD or conditional use process.**

(2) The total sign area of such a ground sign shall not exceed 30 square feet. An individual sign face shall not exceed 15 square feet.

(3) No such ground sign shall exceed four feet in height from the established grade to the top of sign structure.

(4) Such a ground sign must be constructed of natural materials and shall not be internally illuminated.

(5) Such a ground sign must be located at least 50 feet from any adjacent residential district

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(6) Premises fronting on more than one public right-of-way shall not combine permissible sign area for two or more building frontages for the purpose of placing the combined area of the signs on one building frontage.

(B) *Permanent wall signs.*

(1) One wall sign, which shall not exceed four square feet in sign area, is permitted on the front wall of the structure.

(2) Premises fronting on more than one public right-of-way shall not combine permissible sign area for two or more building frontages for the purpose of placing the combined area of the signs on one building frontage.

(3) Such a wall sign shall not exceed eight feet in height from the base of the main entrance door sill.

(C) *Temporary ground signs **excluding those outlined in §158.148** ~~excluding political and real estate signs.~~*

(1) Only one temporary ground sign constructed of fiberboard, wood or plastic shall be permitted on an individual residential office parcel for a period of time not to exceed one continuous seven-day period in any one calendar year.

(2) The sign height shall not exceed four feet. See also Appendix C.

(3) Total sign area for a temporary ground sign shall be based on one square foot of sign area for every ten linear foot of street frontage. The total sign area shall not exceed ten square feet per sign face or 20 square feet in total sign area.

(Ord. 09-21, passed 7-27-09; Am. Ord. 12-02, passed 2-13-12)

EXHIBIT A - May 27, 2016**• 158.152 SIGNS PERMITTED IN B-1 AND B-2 DISTRICTS.**

(A) *Total sign area allowed.* Total sign area for a permanent ground sign for each developed parcel shall be based on one-half square foot of sign area for each linear foot of street footage. Sign area for permanent awning, wall, neon and under marquee signs shall be based on one square foot of sign area for each linear foot of building frontage.

(B) *Permanent ground signs.*

(1) One ground sign shall be permitted for each developed parcel. **A larger number of ground signs may be approved through the PUD or conditional use process.**

(2) Where a developed parcel has street frontage in excess of 250 feet, one additional ground sign may be permitted for additional occupants of a parcel provided that the distance between the ground signs is not less than 150 feet and are not located closer than 50 feet to any adjoining side property line.

(3) The total sign area of a ground sign shall not exceed 25 square feet per sign face or 50 square feet in total sign area.

(4) No ground sign shall exceed five in height from established grade to top of sign structure. See also Appendix C.

(5) Premises fronting on more than one public right-of-way shall not combine permissible sign area for two or more building frontages for the purpose of placing the combined area of the signs on one building frontage

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(C) *Permanent awning sign.* One awning sign per building frontage shall be permitted for an individual establishment.

(D) *Permanent wall signs.*

(1) No more than one wall sign per building frontage shall be permitted for an individual establishment.

(2) Premises fronting on more than one public right-of-way shall not combine permissible sign area for two or more building frontages for the purpose of placing the combined area of the signs on one building frontage.

(3) A wall sign shall not project above the top of the wall to which attached.

(E) *Permanent under marquee signs.*

(1) No more than one under marquee sign is permitted for an individual establishment.

(2) Signs attached to the underside of a marquee shall have a sign area no greater than four square feet per sign face.

(3) Such signs shall have a minimum clearance of nine feet from the bottom of the sign to the sidewalk.

(F) *Temporary ground signs **excluding those outlined in §158.148** ~~excluding political and real estate signs.~~*

(1) Each individual establishment shall be allowed to choose one of the following options per calendar year for a temporary portable ground sign.

(a) Two temporary sign permits each calendar year for a period of time not to exceed one continuous 15-day period per sign permit. Each continuous 15-day period shall be separated from any subsequent 15-day period by no less than 30 calendar days.

(b) One temporary sign permit each calendar year for a period of time not to exceed one continuous 30-day period.

(2) The sign height shall not exceed five feet.

(3) Total sign area for a temporary portable ground sign, which shall be constructed of metal, wood, plastic or fiberboard, shall not exceed 20 square feet in sign area per sign face, total sign area not to exceed 40 square feet.

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(G) *Permanent canopy sign.*

- (1) A maximum of one canopy sign per canopy frontage shall be permitted per establishment.
- (2) Canopy signs may not project above or below canopy facing.
- (3) Total sign area permitted for all canopy signs attached to a canopy structure shall not exceed 50% of the total sign area allotted the principal building frontage.

(H) ~~Menu board signs~~ **Signs for drive-thru restaurants.**

- (1) One ~~menu board~~**additional ground** sign is permitted per drive-thru restaurant, and shall be located adjacent to the drive-thru lane.
- (2) Total sign area ~~for a menu board sign~~ shall not exceed 20 square feet.
- (3) Maximum height ~~of a ground-mounted menu board sign~~ shall be 6 feet.
- (4) All ground mounted ~~menu board~~ signs shall conform to the landscape requirements for ground signs as specified in §158.148 (F)(3).

(I) *Blade Signs.*

- (1) Total sign area for a blade sign shall not exceed four square feet per sign face.
- (2) Blade signs shall not project any higher than three feet from the building.
- (3) The bottom of blade signs shall not be any lower than eight feet from grade.
(Ord. 09-21, passed 7-27-09; Am. Ord. 12-02, passed 2-13-12)

● **158.153 SIGNS PERMITTED IN B-3 AND B-4 DISTRICTS.**

(A) *Total sign area allowed.* Total sign area for a permanent ground sign for each developed parcel shall be based on three-fourths square feet of sign area for each linear foot of street footage. Sign area for permanent awning, wall, neon, canopy, marquee and under marquee signs shall be based on one and one-half square feet of sign area for each linear foot of building frontage.

(B) *Permanent ground signs.*

- (1) One ground sign shall be permitted for each developed parcel. **A larger number of ground signs may be approved through the PUD or conditional use process.**

EXHIBIT A – May 27, 2016
Beavercreek - Land Usage

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(2) Total sign area permitted for a marquee sign shall not exceed 75% of total sign area allotted the building frontage.

(3) The marquee sign shall not project above the top of the wall to which it is attached and shall not be less than nine feet in height from the sidewalk.

(4) The marquee sign shall not extend more than 18 inches from the wall of the building upon which it is mounted.

(G) *Permanent under marquee signs.*

(1) No more than one under marquee sign shall be permitted for an individual establishment.

(2) Signs attached to the underside of a marquee shall have a sign area no greater than six square feet per sign face.

(3) Signs shall have a minimum clearance of nine feet from the bottom of the sign to the sidewalk.

(H) *Temporary ground signs **excluding those outlined in §158.148.** ~~excluding political and real estate signs.~~*

(1) Each individual establishment shall be allowed to choose one of the following options per calendar year for a temporary portable ground sign.

(a) Two temporary sign permits each calendar year for a period of time not to exceed one continuous 15-day period per sign permit. Each continuous 15-day period shall be separated from any subsequent 15-day period by no less than 30 calendar days.

(b) One temporary sign permit each calendar year for a period of time not to exceed one continuous 30-day period.

(2) The sign height shall not exceed five feet.

(3) Total sign area for a temporary portable ground sign, which shall be constructed of metal, wood, plastic or fiberboard, shall not exceed 20 square feet in sign area per sign face, total sign area not to exceed 40 square feet.

(I) ~~Menu board signs~~ ***Signs for drive-thru restaurants.***

(1) One additional ground sign is permitted per drive-thru restaurant, and shall be located adjacent to the drive-thru lane.

(2) Total sign area shall not exceed 20 square feet.

(3) Maximum height shall be 6 feet.

EXHIBIT A – May 27, 2016

(4) All ground mounted signs shall conform to the landscape requirements for ground signs as specified in §158.148 (F)(3).

(Ord. 09-21, passed 7-27-09; Am. Ord. 10-12, passed 9-13-10; Am. Ord. 12-02, passed 2-13-12)

• **158.154 SIGNS PERMITTED IN O-1, RP-1 AND ORP-1 DISTRICTS.**

(A) *Total sign area allowed.* Total sign area for a permanent ground sign for each developed parcel shall be based on one-half square foot of sign area for each linear foot of street footage. Sign area for permanent awning and wall signs shall be based on one square foot of sign area for each linear foot of building frontage.

(B) *Permanent ground signs.*

(1) One ground sign shall be permitted for each developed parcel. **A larger number of ground signs may be approved through the PUD or conditional use process.**

(2) Where a developed parcel has street frontage in excess of 200 feet, one additional ground sign may be permitted for additional occupants of a parcel provided that the distance between ground signs is not less than 150 feet and said signs are not located closer than 25 feet to any adjoining side property line.

(3) The total sign area of a ground sign shall not exceed 25 square feet per sign face or 50 square feet in total sign area.

(4) No ground sign shall exceed five feet in height from established grade to top of sign structure. See also Appendix C.

(5) Premises fronting on more than one public right-of-way shall not combine permissible sign area for two or more building frontages for the purpose of placing the combined area of the signs on one building frontage.

(6) One ground sign shall be permitted at the entrance to each major arterial serving a Research Park District or Office Research Park District. The sign area shall not exceed 50 square feet per side and maximum of 100 square feet total of all sides and shall not be higher than six feet and shall be set back a minimum of 20 from the right of way.

(C) *Permanent awning signs.* One awning sign shall be permitted for an individual establishment with orientation toward a street or an internal pedestrian movement or courtyard area.

(D) *Permanent wall signs.*

(1) One wall sign per building frontage shall be permitted for an individual establishment.

(2) Premises fronting on more than one public right-of-way shall not combine permissible sign area for two or more building frontages for the purpose of placing the combined area of the signs on one building frontage.

EXHIBIT A - May 27, 2016

(3) A wall sign shall not project above the top of the wall to which attached.

(E) *Temporary ground signs **excluding those outlined in §158.148.*** ~~excluding political and real estate signs.~~

(1) Each individual establishment shall be allowed to choose one of the following options per calendar year for a temporary portable ground sign.

(a) Two temporary sign permits each calendar year for a period of time not to exceed one continuous 15-day period per sign permit. Each continuous 15-day period shall be separated from any subsequent 15-day period by no less than 30 calendar days.

(b) One temporary sign permit each calendar year for a period of time not to exceed one continuous 30-day period.

(2) The sign height shall not exceed five feet.

(3) Total sign area for a temporary portable ground sign, which shall be constructed of metal, wood, plastic or fiberboard, shall not exceed 20 square feet in sign area per sign face, total sign area not to exceed 40 square feet.

~~(F) *Additional Requirements.* All signage shall comply with ~~§§ 158.145 through 158.158~~ with the following exceptions and/or additions:~~

~~(1) Free standing signs except as otherwise authorized in this section, projecting signs, canopy and marquee signs, awning signs and sloping roof signs are not permitted in the Research Park District or Office Research Park District.~~

~~(2) Ground signs are permitted in the Research Park District or Office Research Park District under the following conditions:~~

~~(a) One ground sign not to exceed 24 square feet per side.~~

~~(b) Ground signs within a Research Park District or Office Research Park District must be set back a minimum of ten feet from the public right of way.~~

~~(c) One ground sign for two or more combined permitted business uses on the same premise, and shall not exceed 36 square feet per side.~~

~~(d) The maximum height of the ground sign above the grade shall be four feet.~~

~~(e) One freestanding sign or ground sign which identifies an entire Research Park District or Office Research Park District shall be permitted at each major arterial serving the park. The sign area shall not exceed 50 square feet per side and maximum of 100 square feet total of all sides and shall not be higher than six feet and shall be set back a minimum of 20 from the right of way.~~

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Zoning Code

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(G) ~~Menu board signs (for drive-thru restaurants only)~~ **Signs for drive-thru restaurants**

(1) One additional ground sign is permitted per drive-thru restaurant, and shall be located adjacent to the drive-thru lane.

(2) Total sign area shall not exceed 20 square feet.

(3) Maximum height shall be 6 feet.

(4) All ground mounted signs shall conform to the landscape requirements for ground signs as specified in §158.148 (F)(3).

(Ord. 09-21, passed 7-27-09; Am. Ord. 10-12, passed 9-13-10; Am. Ord. 12-02, passed 2-13-12)

• **158.155 SIGNS PERMITTED IN I-1 AND I-2 DISTRICTS.**

(A) *Total sign area allowed.* Total sign area for a permanent ground sign for each developed parcel shall be based on one-half square foot of sign area for each linear foot of street footage. Sign area for permanent awning and wall signs shall be based on three-fourths square foot of sign area for each linear foot of building frontage.

(B) *Permanent ground signs.*

(1) One ground sign shall be permitted for each developed parcel. **A larger number of ground signs may be approved through the PUD or conditional use process.**

(2) Where a developed parcel has street frontage in excess of 500 feet, one additional ground sign may be permitted for additional occupants of a parcel provided that the distance between ground signs is not less than 250 feet and said signs are not located closer than 125 feet to any adjoining side property line.

(3) The total sign area of a ground sign shall not exceed 50 square feet per sign face or 100 square feet in total sign area.

(4) No ground sign shall exceed six feet in height from established grade to top of sign structure. See also Appendix C.

(5) Premises fronting on more than one public right-of-way shall not combine permissible sign area for two or more building frontages for the purpose of placing the combined area of the signs on one building frontage.

(C) *Permanent awning signs.* One awning sign shall be permitted for an individual establishment with orientation toward a street or an internal pedestrian movement area.

(D) *Permanent wall signs.*

(1) One wall sign per building frontage shall be permitted for an individual establishment.

EXHIBIT A – May 27, 2016

(2) Premises fronting on more than one public right-of-way shall not combine permissible sign area for two or more building frontages for the purpose of placing the combined area of the signs on one building frontage.

(3) A wall sign shall not project above the top of the wall to which attached.

(E) *Temporary ground signs* **excluding those outlined in §158.148.** ~~excluding political and real estate signs.~~

(1) Each individual establishment shall be allowed to choose one of the following options per calendar year for a temporary portable ground sign.

(a) Two temporary sign permits each calendar year for a period of time not to exceed one continuous 15-day period per sign permit. Each continuous 15-day period shall be separated from any subsequent 15-day period by no less than 30 calendar days.

(b) One temporary sign permit each calendar year for a period of time not to exceed one continuous 30-day period.

(2) The sign height shall not exceed five feet.

(3) Total sign area for temporary ground signs, which are to be constructed of metal, wood, plastic or fiberboard, shall not exceed 20 square feet in sign area per sign face, total sign area not to exceed 40 square feet.

(Ord. 09-21, passed 7-27-09; Am. Ord. 10-12, passed 9-13-10; Am. Ord. 12-02, passed 2-13-12)

EXHIBIT A - May 27, 2016**• 158.159 ~~OFF-PREMISE~~ ELECTRONIC VARIABLE MESSAGE SIGNS OR DIGITAL BILLBOARDS.**

(A) *Intent.* To maintain and expand the economic base of the city by helping foster a positive environment for commerce, ~~as well as to promote the ability of digital billboards to carry public service messages, such as Amber Alerts and traffic hazard warnings~~ by allowing for a limited number of ~~off-premise~~ electronic variable message signs (EVMSs) or digital billboards on commercially or industrially zoned properties within the city.

(B) *General Requirements.*

(1) *Sign area.* ~~Off-premise~~ **E**lectronic variable message signs shall have the following maximum square footage:

(a) On parcels immediately adjacent to **major** ~~US 35 or I-675 right~~ **highway right**-of-way that have four or **fewer** ~~fewer~~ travel lanes, the sign face shall be no more than 400 square feet on each side, 800 square feet total.

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(b) On parcels immediately adjacent to ~~US 35 or I-675~~ **major highway** right-of-way that have five to seven travel lanes, the sign face shall be no more than 600 square feet on each side, 1200 square feet total.

(c) On parcels immediately adjacent to **major highway** ~~US 35 or I-675~~ right-of-way that have more than seven travel lanes, the sign face shall be no more than 800 square feet on each side, 1600 square feet total.

(2) *Location.* ~~Off-premise-electronic~~ **Electronic** variable message signs must be located on commercially zoned parcels immediately adjacent to **major highway** ~~to US 35 or I-675~~ right-of-way.

(3) *Spacing.* ~~Off-premise-E~~ **Electronic** variable message signs must be located at least 15,000 feet apart throughout the city and there shall be no more than four in the city at a time.

(4) *Multiple message signs.*

(a) Electronic messages shall remain in a fixed position for a minimum of eight seconds.

(b) The transition time, or time it takes to change the message (electronically) shall be one second or less.

(5) *Audio speakers.* Audio speakers shall be prohibited on all ~~off-premise~~ electronic variable message signs.

(6) *Brightness.* At no time shall ~~off-premise~~ electronic variable message signs cause glare or otherwise impair the vision of the operator of any motor vehicle. Signs shall be equipped with automatic dimming capabilities so that the maximum luminescence level for the sign shall be as follows:

(a) For signs with a sign face less than 300 square feet, a maximum luminescence level of 0.3 foot-candles, measured at a distance of 150 feet from the base of the sign.

(b) For signs with a sign face between 300 and 400 square feet, a maximum luminescence level of 0.3 foot-candles, measured at a distance of 200 feet from the base of the sign.

(c) For signs with a sign face 400 square feet or larger, a maximum luminescence level of 0.3 foot-candles, measured at a distance of 250 feet from the base of the sign.

(C) *Non-conforming billboard mitigation.* All applicants who currently have a non-conforming billboard or supporting structure for a billboard on the parcel which the new ~~off-premise~~ electronic variable message sign will be located, shall remove any and all billboards, and supporting structures, on that parcel prior to the release of a zoning permit for a new ~~off-premise~~ electronic variable message sign, unless the structure is to be reused for the new ~~off-premise~~ electronic variable message sign.

EXHIBIT A - May 27, 2016
Zoning Code

276A

(D) *Public hearing and approval required.* All ~~off-premise~~ electronic variable message signs, including related structures, shall be subject to review and approval by City Council at a public hearing, following which the City Council shall, by motion, approve, approve with supplementary conditions, or disapprove the proposed ~~off-premise~~ electronic variable message sign application.

(1) *General design practices.* The structure, base and sign face shall be arranged, planned and designed, on the site to produce:

(a) Favorable relationships with the existing natural topography, bodies of water or water courses, existing desirable vegetation, exposure to significant views and exposure to sunlight and wind;

(b) Safety, convenience and ease of pedestrian and vehicular movement near and around the structure; and

(c) An overall positive visual quality of the structure, base and sign face.

(d) See Appendix C: DIGITAL BILLBOARD DESIGN GUIDELINES for general material and design guidelines of ~~off-premise~~ electronic variable message signs, subject to approval by City Council.

(2) *Line-of-sight study.* With the application to City Council, the applicant shall submit a line-of-sight study of the proposed billboard to ensure that it will not be directly visible to any residential properties in the vicinity.

(E) *Permit and annual license required.* Prior to the installation of an ~~off-premise~~ electronic variable message sign, the owner or their designee shall be required to apply and receive a sign permit as required in ● 158.156 (A) thru (D).

(1) *Annual license.* In addition to the installation permit, the applicant shall apply and receive an annual license, which shall be valid for 12 months after the issue date. The annual license shall be accompanied by a required annual license fee as deemed reasonable and proper by the City Manager in accordance with the fee schedule heretofore approved by the City Manager.

(2) *Failure to renew license.* In the event that the owner or their designated employee fails to apply and receive the annual license, the sign shall be deemed to be in violation of the zoning code and violators shall be subject to the penalty provisions contained in ● 158.999 of the Zoning Code. A separate offense shall be deemed committed upon each day during which a violation occurs or continues.

(3) If there is any conflict between this chapter and O.A.C. ● 5501: 2-2-02 as it may be amended, the state statute shall control.
(Ord. 12-02, passed 2-13-12)

EXHIBIT A – May 27, 2016
Zoning Code

288A

- (1) Granted as requested.
- (2) May recommend a modification of the amendment or request.
- (3) May recommend the amendment or request not be granted.
- (4) Table/delay pending receipt of further information, and the like.

(J) *Public hearing before City Council.* Within 45 days after receipt of the recommendation from the Planning Commission, the City Council shall schedule a public hearing. The date of the hearing shall be not more than 45 days from the receipt of the recommendation from the Planning Commission.

(K) *Notice of public hearing in newspaper.* Notice of the public hearing required in division (J) of this section shall be given by the City Council by at least one publication in one or more newspapers of general circulation in the city. The notice shall be published at least 15 days before the date of the required hearing. The published notice shall set forth the time and place of the public hearing and the nature of the proposed amendment.

(L) *Notice to property owners by City Council.* If the proposed amendment intends to rezone or redistrict property within the city written notice of the hearing shall be mailed by the Clerk of the City Council, by first class mail, at least 15 days before the day of the public hearing to all owners of property within 500 feet from such area proposed to be rezoned or redistricted to the address of such owners appearing on the County Auditor's current tax list or the Treasurer's mailing list and to such other list or lists that may be specified by the City Council. The notice shall contain the same information required of notices published in newspapers as specified in division (K) of this section. The failure of notice delivery as provided in this section, so long as it is not intentional, shall not invalidate the public hearing or any decision on the application.

(M) *Action by City Council.* As soon as reasonably possible after completion of the public hearing required in division (J) of this section, the City Council shall pass a motion to adopt, amend, return or deny the recommendation of the Planning Commission by a vote of a majority four votes of the Council membership. In the event of a tie vote or the failure to gain the number of votes required only the motion fails. An additional motion must be brought to vote to resolve the issue. That issue shall be continued until a majority vote is finally reached.

(N) *Effective date and referendum.* Such amendment adopted by the City Council shall become effective 30 days after the date of such adoption unless within 30 days after the adoption of the amendment there is presented to the City Council a petition for referendum pursuant to R.C. • 731.29 et seq. No amendment for which such referendum vote has been requested shall be put into effect unless a majority of the votes cast on the issue is in favor of the amendment. Upon certification by the Board of Elections that the amendment has been approved by the voters, it shall take immediate ~~affect~~**effect**.

(O) *Technical review costs.* When any applications to the city for some permit, certificate or approval involves submission of technical information by the applicant, it is recognized that the city may need to incur expenses for the services of engineers and other experts to evaluate such technical data. As a condition of the city agreeing to consider any such application, the applicant must agree to

**CITY OF BEAVERCREEK
PLANNING COMMISSION
AGENDA ITEM REPORT**

Meeting Date: July 6, 2016	Reference Topic PUD 16-2
Agenda Reference No.	Creekstone

ACTION REQUESTED		
<input checked="" type="checkbox"/> Approval	<input type="checkbox"/> Disapproval	<input type="checkbox"/> Table
<input type="checkbox"/> Review and Comment	<input type="checkbox"/> No Action Requested	<input type="checkbox"/> Other

REQUEST BY APPLICANT:

The applicant is requesting approval of a rezoning and a concept plan for 67.91 acres from A-1 Agricultural and R-1A One-Family Residential to R-PUD. The project is located approximately 1,250 feet north and 1,675 feet east of the intersection of Grange Hall and Shakertown Road. Specifically, the applicant is proposing a concept plan that would allow for the construction of up to 145 one-family dwelling units within the PUD.

STAFF RECOMMENDATION:

Staff is recommending approval of this rezoning request as outlined in the attached Resolution.

PROCEDURAL OPTIONS FOLLOWING ACTION:

The Planning Commission may choose to recommend approval, disapproval, modifications or tabling the attached application for further review.

Burkett

CITY OF BEAVERCREEK STAFF REPORT

July 1, 2016

PROJECT: Creekstone
CASE NO.: PUD 16-2 Rezoning and Concept Plan
APPLICANT: Oberer Land Developers, LTD
c/o Greg Smith (Agent for owner)
3475 Newmark Drive
Miamisburg, OH 45342

REQUEST

The applicant is requesting approval of a rezoning and a concept plan for 67.91 acres from A-1 Agricultural and R-1A One-Family Residential to R-PUD. The project is located approximately 1,250 feet north and 1,675 feet east of the intersection of Grange Hall and Shakertown Road. Specifically, the applicant is proposing a concept plan that would allow for the construction of up to 145 one-family dwelling units within the PUD.

EXISTING CONDITIONS

As noted on the aerial photo, the 67.9-acre area consists of two large parcels, in an L-shape configuration. The parcels are vacant of improved structures, and are a combination of farmland and wooded area. The PUD will have approximately 640 feet of frontage on Grange Hall Road, and 610 feet of frontage on Shakertown Road.

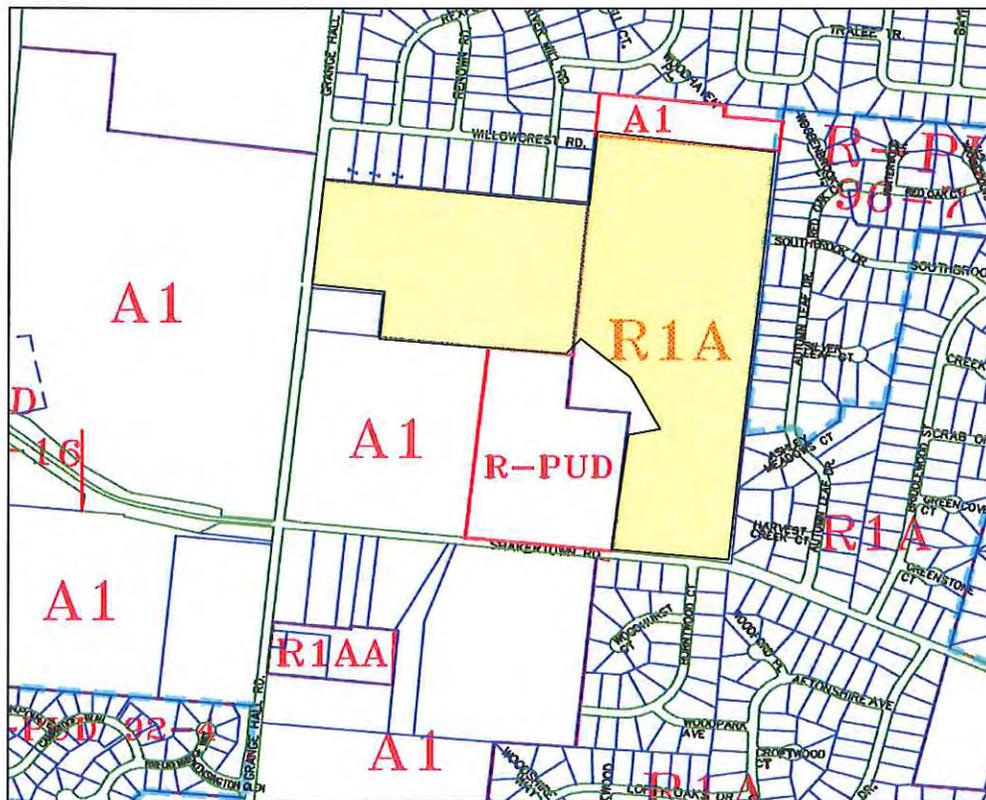


Zoning and Land Use Considerations

Zoning

As previously stated, the area contained in this proposal is partially located within an A-1 Agricultural District and partially located within an R-1A One Family Residential District. The chart below shows all surrounding properties zoning and usage:

Direction	Zoning Classifications	Current Usages
North	R-1A; A-1	Low density residential, community farm
South	A-1, R-PUD 14-3, R-1A	Future site of place of religious assembly, Assisted living center, low density residential
East	R-PUD 96-7; R-1A	Low density residential
West	A-1	Future site of place of religious assembly, farmland owned by Miami Valley Research Park



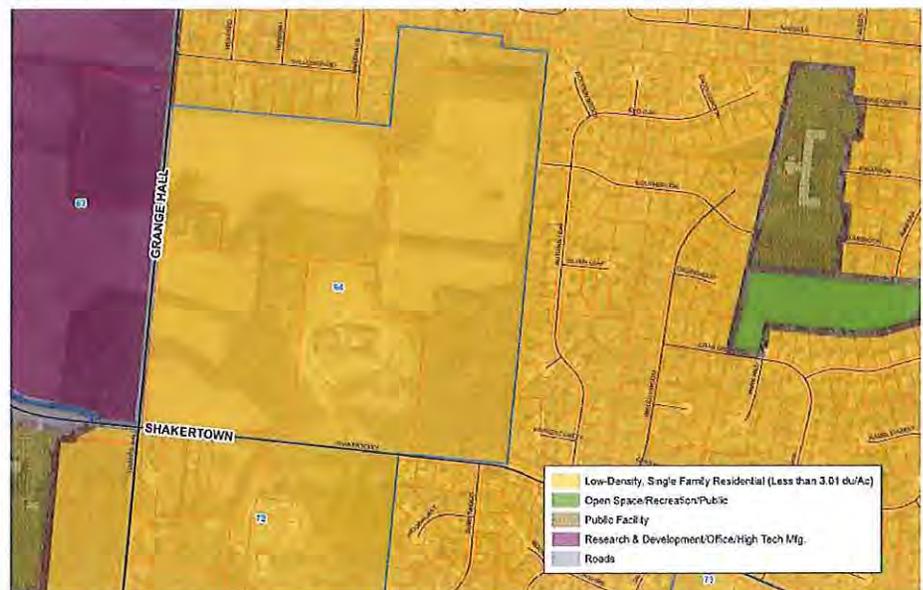
Density/Lot Size

The proposed concept plan shows two distinct lot size categories. The applicant has stated in their letter of intent, stamped "Received June 2, 2016" they intend to include two different products within this development. On the western end of the PUD, the applicant intends to develop Oberer Patio Homes, which will be single family homes, on smaller lots, lot widths being approximately 62 feet. This Phase will include lawn care and snow removal services. The patio homes are intended to be sold as "empty-nester" homes, and are anticipated to be priced around \$300,000 on average. Within the eastern portion of the PUD, stretching down to Shakertown, the applicant is proposing to construct general Oberer Homes. These homes will be semi-custom, similar in lot and home size to the existing homes in Autumn Springs. These homes are intended to be sold as general residential lots with widths between 85 and 95 feet, and are anticipated to be priced around \$400,000 on average.

Land Use Plan

As noted on the Land Use Plan map to the right, this area is designated as Low Density, Single Family Residential. The Land Use Plan defines Low Density Single Family Residential as:

"Low Density Residential development should occur at densities of less than 3.01 dwelling units per acre. Dwelling types may be single family, two-family, and/or multifamily development at appropriate locations, as long as they meet the overall density requirements."



In addition to being classified as Low Density, Single Family Residential on the Land Use Plan, The area in also within VPA 64. The Land Use Plan states for VPA 64:

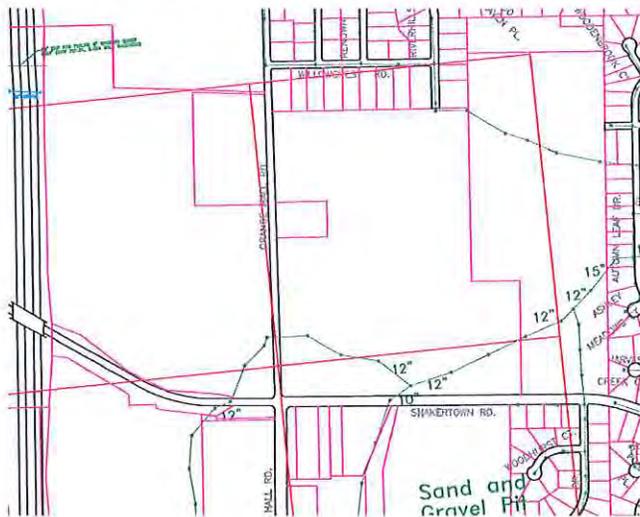
"VPA 64 is designated for low-density residential development. Development in this VPA would need to provide adequate development designs to assure compatibility in relation to adjacent surrounding land uses of a different type and intensity. Some features on the site may lend itself to concentrated areas of higher density development in order to preserve the natural features of the area, so long as the overall density falls within Low Density Residential guidelines."

What they've proposed, in having the smaller, denser lots on the western end of this PUD, as well as larger lots on the eastern and southern portion of the PUD, whilst maintaining an

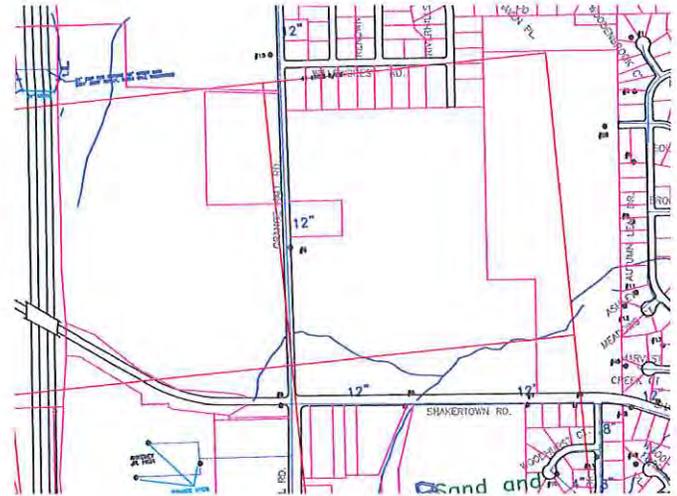
acceptable density level (2.13 dwelling units/acre), is what the Land Use Plan intends for this area.

Availability of Utilities

Public water and sewer are available.



Sewer



Water

Access, Circulation and Transportation Improvements

The proposed concept plan shows multiple access points to the PUD. The primary access points will be off Shakertown Road and Grange Hall Road. The applicant has included a line-of-site study for both of those entrances, which concludes there is adequate intersection sight distance for both access points.

Two pedestrian access points will connect this proposed neighborhood with Autumn Springs to the east and Woodhaven to the north.

Setbacks/Buffers

All lots will have a minimum front and rear yard setback of 30 feet with the exception of lots 105-107 which will have a 20 foot rear yard setback. A minimum side yard setback of 5 feet is being proposed for all lots. A 20 foot open space buffer is being proposed behind the patio homes that abut the Woodhaven Plat to the north.

Phasing Plan

The development is proposed to occur in multiple phases as shown on the concept plan.

RECOMMENDATION

Based on this analysis, staff recommends approval of this request, subject to the conditions outlined in the attached resolution. Planning Commission may recommend approval or disapproval to City Council or table the application if there is a request for additional information needed to make a recommendation.

RESOLUTION

CITY OF BEAVERCREEK
PLANNING COMMISSION
July 6, 2016

RE: R-PUD 16-2
Creekstone

WHEREAS, Oberer Land Developers, Ltd., 3475 Newmark Drive, Miamisburg OH 45342 (Agent for the owner), has filed an application requesting approval of an amendment of zoning classification from A-1 Agricultural and R-1A One Family Residential to R-PUD Residential Planned Unit Development for 73.3 acres, located approximately 1,250 feet north and 1,675 feet east of the intersection of Grange Hall and Shakertown Roads, further described as Book 3 Page 13, Parcels 29 and 30 on the property tax maps of Greene County, Ohio; and

WHEREAS, a public hearing was held on July 6, 2016 by the Beaver Creek Planning Commission at which time all people who wished to testify gave their comments at the public hearing; and

WHEREAS, the Beaver Creek Planning Commission finds that the facts submitted with this rezoning application and presented at the public hearing and any modifications, amendments, or supplementary conditions satisfy the standards and criteria for rezoning approval as per §158.065 of the Zoning Code; and

WHEREAS, Beaver Creek Planning Commission finds that, pursuant to §158.071 of the Zoning Code, each and all of the included uses are appropriate for this specific R-PUD; and

WHEREAS, Beaver Creek Planning Commission finds that the applicant's plans are in basic compliance with the City of Beaver Creek Land Use Plan.

NOW, THEREFORE BE IT RESOLVED, that Beaver Creek Planning Commission recommends to the Beaver Creek City Council:

SECTION I

That the Zoning Map referenced in §158.018 of the Zoning Code be amended to change approximately 73.3 acres of land located approximately 1,250 feet north and 1,675 feet east of the intersection of Grange Hall and Shakertown Roads, from A-1 Agricultural and R-1A One Family Residential to R-PUD Residential Planned Unit Development.

SECTION II

1. The specific site plan shall generally conform to the plans dated "Received July 1st, 2016", as modified herein.
2. Principal and accessory uses permitted in this Residential Planned Unit Development shall be those uses permitted in the R-1A zoning district. The Conditional Uses within the R-1A zoning district shall not be permitted.
3. Maximum density for this R- PUD shall be 2.13 dwelling units per acre.
4. Total units for the R-PUD shall not exceed 145 dwelling units.
5. Minimum Building Setbacks for this PUD are as follows:
 - a) 30 foot minimum front yard
 - b) 30 foot minimum rear yard (except lots 105-107, which will have a minimum 20' rear yard setback)
 - c) 5' minimum side yard
6. Points of access and vehicular circulation as shown on the concept plan are subject to City of Beavercreek final review and approval at the specific site plan stage.
7. Building plans, designs and elevations for residential structures within this project shall be subject to review and approval by Planning Commission and City Council at specific site plan stage.
8. The applicant shall be required to pay all applicable park fees, or dedicate parkland in lieu of park fees as determined by the City Manager, Planning Department and/or Parks Department prior to releasing the record plan for recording.

SECTION III

These plans and all papers relating to the approved plan shall be submitted with this Resolution to City Council.

The Clerk is directed to transmit this case to City Council for further determination

as required by law.

ADOPTED:

VOTING FOR ADOPTION:

VOTING AGAINST:

ABSENT:

Chairman

Attest:

PUD 16-2 Creekstone Resolution

OLD REPUBLIC NATIONAL TITLE

Commitment Number: DO1184

EXHIBIT A
PROPERTY DESCRIPTION

The land referred to in this Commitment is described as follows:

PARCEL I:

Located in Section 1, Twn 2, Range 7, City of Beavercreek, County of Greene, State of Ohio and being a tract of land described as follows:

Beginning at a railroad spike in the west line of said Section 1, said point being in the centerline of Grange Hall Road, said point also South 3 degrees 21' 0" East 641.85 feet from an iron pin at the northwest corner of said Section 1, said point being also in the western extension of the south line of Woodhaven Subdivision, Section 10, as recorded in Volume 7, Page 105 of the Plat Records of Greene County, Ohio; thence with the western extension of the south line of said Woodhaven Subdivision, Section 10, and with the south line of Woodhaven Subdivision, Section 9, as recorded in Volume 7, Pages 78 and 79 in the Plat Records of Greene County, Ohio, North 86 degrees 35' 35" East for 1409.91 feet to an iron pin at the southeast corner of said Woodhaven Subdivision, Section 9, also passing an iron pin at 2.57 feet, said pin being the southwest corner of said Woodhaven Subdivision, Section 9, the southeast corner of said Woodhaven Subdivision, Section 9, eing in the west line of land conveyed to Miami Valley Research Foundation as recorded in 176, Page 617 in the Official Records of Greene County, Ohio; thence with the west line of said Miami Valley Reserch Foundation land, South 3 degrees 31' 39" East for 1221.07 feet to an iron pin; thence continuing with the west line of said Miami Valley Research Foundation land, North 86 degrees 51' 41" East for 339.80 feet to an iron pin; thence continuing with the west line of said Miami Valley Research Foundation land, South 3 degrees 14' 39" East, for 838.47 feet to an iron pin in the centerline of Shakertown Road; thence with the centerline of Shakertown Road, South 86 degrees 52' 50" WEst for 1751.95 feet to an iron pin at the intersection of the centerline of said Shakertown Road with the centerline of said Grange Hall Road, said point being in the west line of said Section 1; thence with the west line of said Section 1, and the centerline of said Grange Hall Road, North 3 degrees 21' 00" West for 1162.48 feet to a railroad spike at the southwest corner of land conveyed to the Church of Latter Day Saints, as recorded in Volume 363, Page 228 of the Deed Records of Greene County, Ohio; thence with the south lien of said Church of Latter Day Saints land, North 86 degrees 29' 30" East for 402.84 feet to an iron pin at the southeast corner of said Church of Latter Day Saints land; thence with the east line of said Church of Latter Day Saints land, North 3 degrees 30' 30" West 250.00 feet to an iron pin at the northeast corner of said Church of Latter Day Saints land; thence with the north line of said Church of Latter Day Saints land, South 86 degrees 29' 30" West for 402.15 feet to a railroad spike in the west line of said Section 1, and the centerline of said Grange Hall Road, passing a railroad spike at 398.85 feet; thence with the west line of said ection 1, and the centerline of said Grange Hall Road, North 3 degrees 21' 00" West for 639.86 feet to the point of beginning, containing 70.884 acres more or less, and subject to all legal highways, easements, restriction, and agreements of recording, according to a survey of said premises by Luis G. Riancho, Registered Surveyor, State of Ohio No. 5287.

EXCEPTING THEREFROM, a 18.480 acre tract, more particularly described as follows:

Situated in the State of Ohio, County of Greene, City of Beavercreek, being located in Section 1, Township 2, Range 7, between the Miamis survey, and being a part of that original 70.884 acre tract described in a deed to Miami Valley Research Foundation, of record in Volume 179, Page 337, all records referenced herein are on file at the Office of the Recorder for Greene County, Ohio and being further bounded and described as follows:

Commencing for reference art the intersection of the cente3rline of Shakertown Road and Grange Hall Road, being at the southwest corner of said original 70.884 acre tract, being at the southwest corner of Lot 1 of The

EXHIBIT A
(Continued)

Commitment Number: DO1184

Farm Phase 1, of record in Plat Cabinet 37, Slide 2838, as said Lot 1 is described in a deed to Bethel Christian Assembly of God, Dayton, Ohio, of record in Volume 3332, Page 116, and said point being on the west line of said Section 1 (reference 1-inch iron pin found North 12 degrees 16' 40" East at a distance of 1,00 feet);

Thence South 84 degrees 22' 55" East, along the centerline of said Shakertown Road, along the south line of said original 70.884 acre tract and along the south line of said Lot 1, a distance of 966.32 feet to a MAG nail set at the southeast corner of said Lot 1, said point being the TRUE POINT OF BEGINNING for this description;

Thence across said original 70.884 acre tract along the following five (5) described courses:

1. North 05 degrees 37' 05" East along the east line of said Lot 1 (passing an iron pin found with a cap stamped "Kleingers" at a distance of 40.00 feet), a total distance of 1169.06 feet to an iron pin set at the northeast corner of said Lot 1;
2. South 84 degrees 46' 15" East, along a new division line and the easterly projection of the north line of said Lot 1, a distance of 441.64 feet to an iron pin set on the west line of a 46.8605 acre tract described in a deed to Miami Valley Research Foundation, of record in Volume 176, Page 617;
3. South 05 degrees 12' 36" West, along the west line of said 46.8605 acre tract, a distance of 333.71 feet to a 5/8 inch iron pin found at the southwest corner of said 46.8605 acre tract;
4. South 84 degrees 24' 04" East, along a south line of said 46.8605 acre tract, a distance of 339.80 feet to an iron pin set at the southeast corner of said 46.8605 acre tract;
5. South 05 degrees 29' 36" West, along a west line of said 46.8605 acre tract a distance of 838.48 feet to a southwest corner of said 46.8605 acre tract, said point being on the south line of said original 70.884 acre tract and being on the centerline of said Shakertown Road (reference a 5/8 inch iron point found North 23 degrees 08' 02" West at a distance of 0.32 feet);

Thence North 84 degrees 22' 55" West, along the south line of said original 70.884 acre tract, along the centerline of Shakertown Road, a distance of 785.63 feet to the TRUE POINT OF BEGINNING.

The above description contains a total area of 18.480 acres (including 0.451 acres with the present road occupied of Shakertown Road), located with Greene County Auditor's parcel No. B42000300130002900.

Iron pins reference as set at 5/8 in diameter by 30 inch long rebar with caps stamped "Structurepoint-PS8438".

Bearings described herein are based on the bearings of South 84 degrees 22' 55" East for the centerline of Shakertown Road, as measured from Grid North, referenced to the Ohio Plane Coordinate System (South Zone) and the North American Datum of 1983 (2011 adjustment) as established utilizing a GPS and NGS OPUS solution.

This description was prepared by Brian P. Bingham, Registered Professional Surveyor No. 8438, is based on an actual survey performed in August, 2014 and is true and correct to the best of his knowledge and belief.

ALSO, EXCEPT THEREFROM, all of THE FARM, PHASE 1, as set forth in Plat Cabinet 37, Pages 283B through and including 284B, Greene County, Ohio Records.

Tax I.D. #B42-0003-0013-0-0029-00

EXHIBIT A
(Continued)

Commitment Number: DO1184

PARCEL II:

Located in Section 1, Town 2, Range 7, M.R.S., City of Beavercreek, County of Greene, State of Ohio and being a tract of land described as follows:

Beginning at an iron pin in the west lien of land conveyed to Lois A. Corbet, et al., by deed recorded in Volume 536, Page 77 in the Deed Records of Greene County, Ohio, said point of beginning being the northeast corner of land conveyed to Dayton Suburban, Inc. by deed recorded in Volume 503, Page 883 in the Deed Records of Greene County, Ohio, said point of beginning and said northeast corner of Dayton Suburban, Inc., land being located on the north side of pavement on Shakertown Road; thence with the north line of said Dayton Suburban, Inc. land the the centerline of Shakertown Road in part, South 86 degrees 52' 50" west for 609.05 feet to an ironpin and the southeast corner of land conveyed to Allen B. Andrew et al., by deed recorded in Volume 383, Page 244 of the Deed Records of Greene County, Ohio; thence leaving said centerline of said north line with the east line of said Andrew et al., land, North 03 degrees 15' 00" west for 838.31 feet to an iron pin and an angle point in said east line; thence continuing with said east line of Andrew et al. land, South 86 degrees 51' 20" west for 339.80 feet to an iron pin and an angle point in said east line; thence continuing with said east line of Andrew et al. land, North 03 degrees 32' 00" West for 1221.07 feet to an iron pin and the northeast corner of said Andrew et al. land and the southeast plat corner of Woodhaven Section 9 as recorded in Book 7, Pages 78 and 79 in the Plat Records of Greene County, Ohio; thence with the east plat line of said Woodhaven, Section 9, North 03 degrees 24' 30" West for 386.70 feet to an iron pin and the southwestg corner of a 5.000 acre tract of land conveyed to James F. Hale, Jr., et al. by deed recorded in Volume 485, Page 969 in the Deed Records of Greene County, Ohio; thence with the south lien of said Hale land, North 86 degrees 46' 30" East, for 954.53 feet to an iron pin and the west line of said Corbetg et al. land; thence with the west line of said Corbet et al. land, South 03 degrees 17' 00" East for 2447.65 feet to the point of beginning, containing 46.8605 acres, more or less, subject, however, to all legal highways, easements of record.

Tax I.D. #B42-0003-0013-0-0030-00



3475 Newmark Drive
Dayton, Ohio 45342

937.278.0851 Phone
937.278.6334 Fax
www.oberer.com

May 23, 2016

City of Beavercreek
1368 Research Park Drive
Lower Level
Beavercreek, OH 45432

RE: Creekstone Preliminary PUD submission Letter of Intent

To Whom It May Concern,

Oberer Land Developers, Ltd intends to develop a single family subdivision on two tracts of land located in the City of Beavercreek. Both tracts are adjacent to existing single family subdivisions and have access to water, sewer and public streets. The development will include two residential products. Oberer Homes which are a semi-custom series of housing similar to those in neighborhoods to the east of the proposed community and Oberer Patio Homes, which will be single family homes on smaller lots which include lawn care and snow removal services. All homes will be located on individually owned lots, served by public utilities and located on a public street.

The existing use of the property is agriculture and is owned by Miami Valley Research Park. The property is listed by Fornes Realty Services. The applicant intends to start construction of the first phase of the subdivision in spring of 2017. Additional phases will be introduced on an as needed basis depending on the rate of home sales. The applicant anticipates that it will take 7-9 years for the entire community to be built.

We appreciate the City of Beavercreek's review of our zoning and development applications and am happy to provide more information upon request.

Sincerely,

OBERER LAND DEVELOPERS, LTD

Gregory A. Smith, AICP
Developer

RECEIVED

JUN 02 2016

**CITY OF BEAVERCREEK
PLANNING DEPARTMENT**



Where Creativity
Meets Functionality

Civil Engineers | Transportation Engineers | Landscape Architects | Planners | Land Surveyors

June 3, 2016

Mr. Gregory A. Smith
Oberer Land Developers, LTD.
3475 Newmark Drive
Miamisburg, OH 45342

**Re: Intersection Sight Distance Analysis for Creekstone
Shakertown Road & Grange Hall Road, City of Beavercreek, Greene County, Ohio**

Dear Mr. Smith,

Bayer Becker has prepared the enclosed intersection sight distance analysis for the proposed access points to the Creekstone proposed residential development that is to be located on the north side of Shakertown Road and on the east side of Grange Hall Road, in the City of Beavercreek, Greene County, Ohio.

Proposed Road A is to be located opposite Burntwood Drive along Shakertown Road (approximately 2190' east of Grange Hall Road). The legal speed limit on Shakertown Road is 55 miles per hour (mph); however, it is posted 40 mph at Burntwood Drive. According to the Ohio Department of Transportation (ODOT) *Location and Design (L&D) Manual, Volume One*, the required intersection sight distance for 55 mph is 610' in both directions for passenger cars completing a left turn from a stop.

Proposed Road D is to be located approximately 1875' north of Shakertown Road along Grange Hall Road. The legal speed limit on Grange Hall Road is 45 mph; however, it is posted 35 mph near the intersection of Shakertown Road and East Patterson Road. According to the ODOT *L&D Manual*, the required intersection sight distance for 45 mph is 500' in both directions for passenger cars completing a left turn from a stop.

Based upon the enclosed analysis which was performed utilizing GIS information, adequate intersection sight distance is provided at the intersection of Proposed Road A and Shakertown Road (using the legal speed limit of 55 mph). Adequate intersection sight distance is also provided at the intersection of Proposed Road D and Grange Hall Road also based on GIS information (using the legal speed limit of 45 mph).

Please review the aforementioned analysis and the associated enclosures. Should you have any questions or comments, please contact me at (513) 492-9837.

Sincerely,

Kathryn M. Dillenburger, P.E.

J:\2016\16-0020\TR\Reports\16-0020 Sight Distance Analysis 160603.docx

6900 Tylersville Road, Suite A
Mason, OH 45040
513-336-6600

110 South College Avenue, Ste. 101
Oxford, OH 45056
513-523-4270

1404 Race Street, Suite 204
Cincinnati, OH 45202
513-336-6600

209 Grandview Drive
Fort Mitchell, KY 41017
859-261-1113

<http://www.bayerbecker.com>

**CITY OF BEAVERCREEK
PLANNING COMMISSION
AGENDA ITEM REPORT**

Meeting Date: July 6, 2016 Agenda Reference No.:	Reference Topic: PC 16-3 Conditional Use Good News Baptist Church
---	---

ACTION REQUESTED		
<input checked="" type="checkbox"/> Approval	<input type="checkbox"/> Disapproval	<input type="checkbox"/> Table
<input type="checkbox"/> Review and Comment	<input type="checkbox"/> No Action Requested	<input type="checkbox"/> Other _____

REQUEST BY APPLICANT:

The applicant requests conditional use approval to occupy a tenant space at 1340 North Fairfield Road, for the purpose of operating a place of religious assembly.

STAFF RECOMMENDATION:

Staff is recommending approval of this request with conditions as described in the attached resolution.

PROCEDURAL OPTIONS FOLLOWING ACTION:

The Planning Commission may choose to approve, approve with conditions, disapprove, or table this Conditional Use for further review.

CITY OF BEAVERCREEK STAFF REPORT

June 28, 2016

PROJECT: Good News Baptist Church

CASE: PC 16-3 Conditional Use

APPLICANT: Good News Baptist Church
3437 Marimont Drive
Dayton OH 45410

REQUEST

The applicant requests conditional use approval to occupy a tenant space at 1340 North Fairfield Road, for the purpose of operating a place of religious assembly.

DISCUSSION

The property under discussion, located one parcel north of the intersection of Dayton-Xenia Road and North Fairfield Road, is currently zoned B-3, General Business District. As indicated by the schedule of permitted uses in the Zoning Code, places of religious assembly require conditional use approval within this zoning district.

The applicant has indicated that the Church will be occupying 850 square feet of space. Services are performed on Wednesdays and Sundays and rarely coincide with the operating hours of the other businesses in the development. The other portions of the building are currently occupied by Fiberworks, Mode Studio, Ayurveda Natural Health Center, Dayton Health Systems, and Ad Tech, and Alpha Omega all of which are permitted uses in a B-3 zoning district.

The properties to the north, south, and west are all zoned B-2, Community Business District. The vacant parcel directly to the east, which is owned by St. Luke's Church, is zoned R-1A, One Family Residential. Also located to the east is C-PUD 91-11 which contains the Wendy's and the Midtown Shoppes.

Access, Circulation, and Parking

Currently, this development provides 94 total parking spaces in parking areas on the north, east, and west sides of the building. As was previously stated, The Good News Baptist Church holds Sunday service when the majority of the other businesses in the

development are closed. Therefore, a significant amount of parking is available to patrons of the church.

The Zoning Code calls for one space for each three seats in the main assembly area. The applicant has indicated that there are currently 7 regular members but could grow at this site to approximately 50 seats which would require a total of 17 parking spaces. This proposal meets and exceeds the parking requirements of the Zoning Code.

RECOMMENDATION

Based on this analysis, staff recommends approval of this request subject to the conditions in the attached resolution.

RESOLUTION

CITY OF BEAVERCREEK
PLANNING COMMISSION
July 6, 2016

RE: PC 16-3
Good News Baptist
Church

WHEREAS, Good News Baptist Church, 3437 Marimont Drive, Dayton, has filed an application requesting approval of a Conditional Use for the occupation of an approximately 850 square foot tenant space located on the east side of North Fairfield Road, approximately 180 feet north of Dayton –Xenia Road, further described as Book 5, Page 5, Parcel 108 on the Green County Tax Atlas.

WHEREAS, public hearing was opened on July 6, 2016 by the Beavercreek Planning Commission at which time all people who wished to testify gave their comments at the public hearing; and

WHEREAS, the Beavercreek Planning Commission finds that the facts submitted with this Conditional Use application and presented at the public hearing and any modifications, amendments, or supplementary conditions satisfy the standards and criteria for Conditional Use approval as per §158.171 (C)(4)(a-c) of the Zoning Code; and

WHEREAS, the Beavercreek Planning Commission is taking administrative action in approving this Conditional Use.

NOW, THEREFORE BE IT RESOLVED THAT,

1. Should this conditional use request be approved, a Certificate of Use Compliance shall be required by the Planning and Zoning Department.
2. Prior to the issuance of any zoning permit for the development, all comments and concerns of the Planning and Zoning Department, the City Engineer, and Fire Department shall be addressed and satisfied.
3. Any signage requests for this conditional use must meet the requirements of the B-3 zoning district.
4. No temporary signage shall be permitted for this conditional use.

ADOPTED:

VOTING FOR ADOPTION:

ABSENT:

Chairman

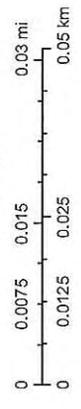
Attest:

Greene County, Ohio



June 27, 2016

1:720



It is our intent to occupy the property at 1340 N. Fairfield Rd. and to have a church there. We have services Sun. 10:00 am Sunday School 11:00 am Worship Service and Sunday at 6:00 pm. We also have services on Wednesday at 6:30 pm.

We currently have 7 regular members with visitors also coming. It's our desire to build up our congregation over time and to be a benefit to this community.

June 29, 2016

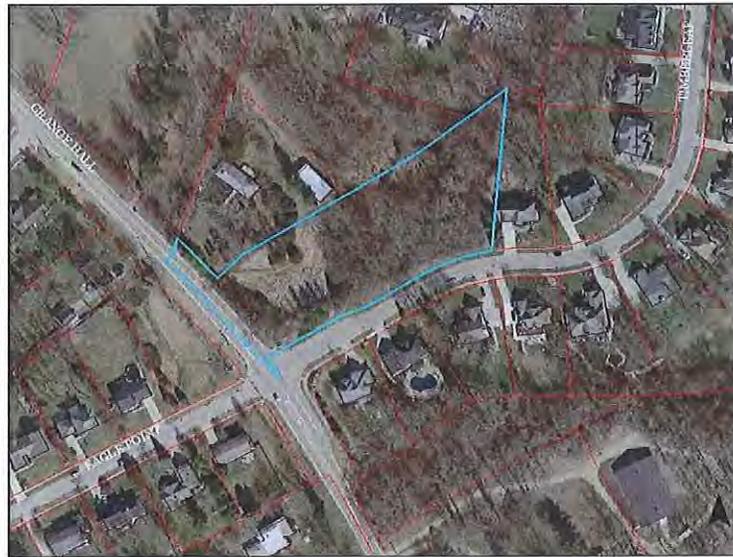
**STAFF REPORT
FINAL SUBDIVISION APPROVAL REQUEST
Ashland Hills, Section 5
CASE NO. S 16-5**

APPLICANT: Joseph and Donna Phipps
325 Aspen Trail
Dayton, Ohio 45430

**ENGINEER/
SURVEYOR:** Cosler Engineering
3171-F Beaver Vu Drive
Beavercreek, OH 45434

I. NATURE OF REQUEST

The applicant is requesting approval of a final subdivision for 2.238 acres located at the northeast corner of the intersection of Grange Hall Road and Timberleaf Drive. The proposed final subdivision calls for this area to be platted into 4 buildable lots.



II. DISCUSSION

This property is currently an unplatted parcel of land that the applicants are proposing to incorporate into the existing Ashland Hills subdivision. The area is currently zoned R-1A, one family residential. This designation requires that all newly created lots adhere to those R-1A requirements: Lots must be at least 20,000 square feet and must have at least 100 feet of frontage at the building setback line. This subdivision proposal meets the requirements of the Zoning Code.

Although not within the purview of the City, the applicant has stated that this new section of Ashland Hills will adopt the same covenants and restrictions of previous sections. Because this proposal is located within a straight zoning district, the City does not regulate the architecture of these homes or the materials to be used. However, these covenants address this and the applicant has stated they will be enforced.

Because new lots are being created, park fees will be required. Also, 0.194 acres

of right-of-way will be dedicated along Grange Hall Road as shown in the attached plan.

Comments were received from the various area agencies, utilities, and city departments commonly included in reviewing proposed plans during the record plan review process. The applicant has received approval or conditional approval from the entities that submitted comments. The applicant has worked with staff to address the comments received.

III. RECOMMENDATION

Staff recommends approval of this final subdivision request subject to the following conditions, which must be addressed prior to release of the record plan:

1. The approved record plan shall be the plan stamped "Received June 2, 2016", except as modified below.
2. All concerns and comments of the Planning and Zoning Department, City Engineer, Greene County Sanitary Engineering Department, Greene County Auditor, public utility providers, and the Beavercreek Township Fire Department shall be addressed and satisfied prior to release of the record plan for recording.
3. Prior to the release of the record plan for recording, the applicant shall sign a Subdivider's Contract and submit a bond or letter of credit for any required public improvements and landscaping for the subdivision and pay all required fees, including fees in lieu of parkland dedication.
4. Lot 79 shall not be permitted to have driveway access onto Grange Hall Road.
5. Photocell lights shall be required on all lots.
6. Sidewalks shall be installed along Lot 79 if required by and per the approval of the City Engineer.
7. Prior to release of the record plan for recording, the applicant shall provide a digital format file of the subdivision in Autocad or .dxf format.

DEDICATION

We, the undersigned being all the owners and lien holders of the lands herein subdivided, do hereby voluntarily consent to the execution of this plat and do hereby dedicate the street right of way and utility easements to the public use forever.

Easements shown on this plat are for the construction, operation, maintenance, repair, replacement and removal of water, gas, sewers, electric, telephone or other utility mains or lines or services, public or privately owned, and for the express privilege of removing any and all trees or other obstructions to the free use of said utilities and for providing ingress to and egress from the property for said purposes, and are to be maintained as such forever.

OWNER:

Joseph K. Phipps, Co-Trustee

Donna J. Phipps, Co-Trustee

County of Greene
State of Ohio, ss.

Be it remembered that on this _____ day of _____, 2016, before me a Notary Public in said county and said state, personally came Joseph K. Phipps, Co-Trustee and Donna J. Phipps, Co-Trustee, who acknowledged before me the signing and execution of the forgoing instrument to be their voluntary act and deed.

In testimony whereof, I have hereunto set my hand and affixed notarial seal on the above day and date.

Notary Public in and for the State of Ohio

My Commission Expires

Date _____, 2016

County of Greene
State of Ohio, ss.

Joseph K. Phipps, being duly sworn, says that all persons and corporations, to the best of his knowledge, interested in the replat, either as owners or lien holders, have united in its execution.

By: _____
Joseph K. Phipps

In testimony whereof, I have hereunto set my hand and affixed notarial seal on the above day and date.

Notary Public in and for the State of Ohio

My Commission Expires

Record Plan
Ashland Hills, Section 5

Located in
Section 6, Town 2, Range 6 Between the Miami Rivers Survey
City of Beavercreek, Greene County, Ohio
Containing 2.238 acres
(2.044 acres in Lots 76-79 and 0.194 acres in R/W)
June 2, 2016

PROTECTIVE COVENANTS -

This replat shall be subject to the "Protective Covenants" in Ashland Hills, Section Three as recorded in Plat Cabinet 30, Pages 204B-206B of the Plat Records of Greene County, Ohio.

APPROVAL BY CITY OF BEAVERCREEK

This plat approved by the City of Beavercreek, Ohio on this _____ of _____, 2016.

By: _____
Planning Director

GREENE COUNTY AUDITOR

Transferred on the _____ day of _____, 2016.

By: _____
Greene County Auditor

GREENE COUNTY RECORDER

File No.: _____ Received: _____

Recorded: _____ Fee: _____

Plat Cabinet _____, Pages: _____

By: _____
Greene County Recorder

DESCRIPTION & CERTIFICATION

The within replat is a subdivision of the remaining 2.477 acres (Auditor's Parcel No. B42-3-17-176) out of an original 5,001 acre tract of land conveyed to Joseph K. Phipps and Donna J. Phipps, Co-Trustees of the Revocable Living Trust of Joseph K. and Donna J. Phipps dated May 2, 2012 by deed recorded in Volume 3436, Page 905 of the Official Records of Greene County, Ohio.

We hereby certify that the within plat is the representation of a survey made on October 7, 2014. Iron pins shall be set as shown. All dimensional data is correct. Curve distances are on the arc.

We have fully complied with the City of Beavercreek regulations and the subdivision laws of the State of Ohio governing surveying, dividing, and mapping of the land; and that the replat is a correct representation of all exterior boundaries of the land surveyed.

COSLER ENGINEERING, LLC

By: Mitchell W. Cosler 6-02-2016
Mitchell W. Cosler, Ohio Registered Surveyor No. 6393



Prepared by:
Cosler Engineering, LLC
3171 Beaver Vu Drive - Suite F
Beavercreek, Ohio 45434
Ph (937)426-9913 - Fax 426-3390
mcosler@sbcglobal.net



RECEIVED

JUN 02 2016

CITY OF BEAVERCREEK
PLANNING DEPARTMENT



Vicinity Map (no scale)

- MONUMENT LEGEND**
- 0.63" dia. iron pin found with cap "NBP"
 - 0.63" dia. iron pin set with yellow plastic cap stamped: "COSLER 6393"
 - ⊙ 1.0" OD iron pipe found or size per plan
 - ⊠ Stone found
 - ▲ Railroad Spike found
 - △ Railroad Spike set
 - ⊕ P.K. Nail found
 - ⊗ 0.25" MAG Nail found
 - ⊙ 0.25" MAG Nail set
 - ⊠ Concrete Monument found
 - ⊡ Concrete Monument set

Prepared by:
Cosler Engineering, LLC
 3171 Beaver Vu Drive - Suite F
 Beaver Creek, Ohio 45434
 Ph (937)426-9913 - Fax 426-3390
 mcosler@sbgloball.net

SURVEYORS NOTES:

- Monuments found or set, refer to "Monument Legend", on this sheet. All monuments are in good condition and flush with the ground, unless otherwise labeled such as (+8") for top 8 inches above grade or "-" for depth below grade.
- Plats, deed references, and survey records as noted on this drawing were used as pertinent documents and source data as a basis for carrying out the work for this survey.
- Occupation evidenced, if any, is listed on the survey along the appropriate property lines.
- Bearings & distances are based on NAD 83 (2011) State Plane Coordinates (SPC) and distances are in US Survey Feet. Divide drawing distances by combined scale factor CF=0.99990745 to obtain ground surface distances.

Record Plan
Ashland Hills, Section 5
 Located in
 Section 6, Town 2, Range 6 Between the Miami Rivers Survey
 City of Beaver Creek, Greene County, Ohio
 Containing 2.238 acres
 (2.044 acres in Lots 76-79 and 0.194 acres in R/W)
 June 2, 2016

